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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 4, 2006
5:30 p.m.

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#1 Dr. Carlton B. Goodlett Place
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01-03-06A09:47 RCVD

Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Approval of the Consent Calendar (ACTION ITEM)
   a. Request of the Chief of Police for approval to accept a Sony Handycam from The Sharper Image, valued at approximately $799.00, for use of the Tactical Investigations Unit

3. Discussion and possible action to permit separate disciplinary hearings and taking of evidence as to Charge No. 1: Neglect of Duty (failing to follow vehicle pursuit policy and Department procedures in violation of Department General Order 5.05), in each of the following cases: Officer James A. O'Malley (File No. C05-056 SL); Officer Timothy D. Paine (File No. C05-057 SL); Officer Ferdinand Dimapasoc (File No. C05-058 SL); and Officer Owen J. Sweeney III (File No. C05-059 SL); (ACTION ITEM)

4. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

5. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

6. Approval of minutes for the meeting of July 13, 2005 and July 20, 2005 (ACTION ITEM)

7. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Officer James P. Trail (File No. JCT C05-190) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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(Chapter 67 of the San Francisco Administrative Code)

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JANUARY 4, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:44 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Chan, Marshall, Sparks, Veronese
ABSENT: Commissioners Campos, DeJesus

PUBLIC COMMENT

Daniel Paez discussed concerns regarding actions by police and video produced by officers.

Unidentified discussed concerns regarding racial profiling by the police.

Meesha Irizarry, Idriss Stelley Foundation, discussed concerns regarding Ace Washington.

Kevin Epps discussed concerns regarding police videos.

Marylon Boyd, Justice for Cammerin Boyd, discussed concerns regarding video tapes and incident involving Ace Washington.

Kati Hawkins Okuri, African American Relations Board, discussed concerns regarding incident involving Ace Washington.

Unidentified discussed concerns regarding incident involving Ace Washington.

Unidentified discussed concerns regarding incident involving Ace Washington.

Unidentified discussed concerns regarding video tapes.

Patricia Tellis, P.O.W.E.R., discussed concerns regarding video tapes and police reform.

Randall Evans discussed concerns regarding incident involving Ace Washington and concerns regarding the Housing Authority.

Unidentified asked that things be made fair and try to make a change.

Harris Edgerly discussed concerns regarding closing of schools in San Francisco and police brutality.

Ace Washington described incident of December 31st.

Leroy Moore discussed concerns regarding incident involving Ace Washington.

A.J. Brossan discussed concerns regarding police videos.

Charles Hollis discussed concerns regarding police brutality.

APPROVAL OF THE CONSENT CALENDAR

a. Request of the Chief of Police for approval to accept a Sony Handycam from the Sharper Image, valued at approximately $799.00, for use of the Tactical Investigations Unit

Motion by Commissioner Chan, second by Commissioner Marshall to approve the Consent Calendar. Approved 5-0.

RESOLUTION NO. 1-06

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A SONY HANDYCAM FROM THE SHARPER IMAGE, VALUED AT APPROXIMATELY $799.00, FOR USE OF THE TACTICAL INVESTIGATIONS UNIT

RESOLVED, that the Police Commission approves the request of the Chief of Police to accept a Sony Handycam from The Sharper Image, valued at approximately $799.00, for use of the Tactical Investigation Unit.

AYES: Commissioners Renne, Chan, Sparks, Marshall, Veronese
ABSENT: Commissioners Campos, DeJesus

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DISCUSSION AND POSSIBLE ACTION TO PERMIT SEPARATE DISCIPLINARY HEARINGS AND TAKING OF EVIDENCE AS TO CHARGE NO. 1; NEGLECT OF DUTY (FAILING TO FOLLOW VEHICLE PURSUIT POLICY AND DEPARTMENT PROCEDURES IN VIOLATION OF DEPARTMENT GENERAL ORDER 5.05), IN EACH OF THE FOLLOWING CASES: OFFICER JAMES A. O'MALLEY (FILE NO. C05-056 SL); OFFICER TIMOTHY D. PAINE (FILE NO. C05-057 SL); OFFICER FERDINAND DIMAPASOC (FILE NO. C05-058 SL); AND OFFICER OWEN J. SWEENEY III (FILE NO. C05-59 SL)

Commissioner Chan explained that the reason for this is to effectuate some administrative economy so that the whole Commission would not have to hear as expanded a scope of charges as is currently pending before the Commission and to basically to do more work in the preliminary stages so that when the Commission is ready to hear the balance of the charges, it could confine itself to the major incidents that are alleged.

Commissioner Renne stated that there might be a problem with that.

Deputy City Attorney Molly Stump explained that she believes that the item as calendared would be permissible under the rules. The proposal would be to take the one charge and have it heard by an individual hearing officer.

Commissioner Chan would like to hear and take evidence on the vehicle pursuit charges rather than have the full Commission hear the charge. At the very least, there would be an administrative record already prepared to submit to the full Commission for action if a resolution of the charges was not made at the individual Commissioner's level.

Commissioner Sparks asked if what Commissioner Chan is suggesting is rather than having separate evidentiary hearings for each individual accused, there would be one evidentiary hearing for all at the same time because the charge is the same charge. Commissioner Chan stated that if the Commission would authorize him to do so, he will do that.

Commissioner Renne is concerned that there may be spill-over; that some of the same acts may or may not be related to some of the other charges that are made.

Commissioner Chan explained that the balance of the charges involved is discharged of firearm in a moving vehicle; one of the officers is alleged to have brandished a shotgun. Commissioner Chan stated that the nature of those charges are distinct enough so that the Commission can conduct an orderly hearing purely on the matter of the inappropriate joinder of a police pursuit as charged.

Deputy City Attorney Molly Stump stated that Director Allen is not present tonight and that he does have a concern that there may not be much economy because the evidence may overlap. Ms. Stump asked that perhaps the Commission might want to hear from Director Allen regarding his concern.

Commissioner Renne asked that this item be put over to hear from Director Allen regarding his concerns.

PUBLIC COMMENT:

Marylon Boyd, Justice for Cammerin Boyd, stated she has the same concerns as Commissioner Renne and stated that she is opposed to separating any one particular charge and only having one Commissioner listen to all the evidence. She believes that the entire Commission should listen to all the evidence in the case.

Leroy Moore agrees with Marylon Boyd and asked that the whole Commission look at the whole case.

Commissioner Sparks asked if there has been any legal action to stay the proceeding. Commissioner Chan stated the Commission has not been served with any item that would stay the proceeding.

Motion by Commissioner Sparks, second by Commissioner Marshall to put this item over. Approved 5-0.

CHIEF'S REPORT

a. Update on significant policing efforts by Department member

Chief Fong gave an update on the New Year's festivities. She stated there were very few public safety problems. Chief Fong commended the officers for a job well done.

Chief Fong talked about a one-day application for the position of Community Police Services Aid. Police Services Aid is a consolidation of two positions. It the position of the service aids that work out at SF International Airport as well as non-sworn personnel in police facilities. Chief Fong announced that the exam will be given on January 12th at 6:00 p.m., Bill Graham Auditorium. The one-day application will be on Friday, between 8 a.m. and 5 p.m., at the Department of Human Resources, 44 Gough Street, and at SF International Airport Terminal, Lobby 2.

Commissioner Sparks asked about the video that was showed today. Chief Fong stated that the Department was not approached regarding the showing of any video and she does not know what video was shown and cannot speak as to when it was made or whether it was a sanctioned video of the Department.

Commissioner Sparks asked if any or part of the video was made as part of a sanctioned video program that the Department made to highlight the good service of the Department, those segments would be property of the Department and would require permission or sanction from the Department to be shown. Chief Fong stated that her understanding is when something is prepared while under the Department's auspices or being paid as a member of the Department, that it does belong to the Department or the City and County of San Francisco. Commissioner Sparks asked if the Department will investigate the video that was shown today. Chief Fong stated she will be following up on that with Management Control.

Commissioner Veronese asked for a report regarding staffing level. Chief Fong stated that she has a meeting with the Mayor's Budget staff on Friday and there have been a number of plans put in place in terms of additional staffing that would be needed.

Commissioner Veronese asked about increased development and increased burden on the Department. Chief Fong stated that the Department receives EIR, Environmental Impact Report, requests based on new building projects and the Department prepares responses to questions that are posed.

Commissioner Veronese asked about homicides and how San Jose are resolving their homicide cases. Commissioner Veronese also asked for a police report regarding an incident on Market and McAllister at 5:25 p.m, tonight.

Commissioner Chan asked about reconfiguring current police districts. Chief Fong stated that there a number of items that would have to be considered in terms of redrawing the district boundaries. One of the keys is

workload in terms of calls for service and number of incidents reported, and the size of the district. There would have to be a lot of data analyzed in terms of how it could be done. Community groups also have a vested interest as well as District Supervisors.

Commissioner Chan asked about video incident. Chief Fong stated that MCD have been moving forward very deliberately and that she will be briefed by MCD as to their investigation.

Commissioner Chan asked if the Mayor has contacted Chief Fong in regards to the Blue Ribbon Committee. Chief Fong stated that she has not had any further conversations in regards to that.

Commissioner Sparks asked about a review of all 10 district stations and has there been any discussions with the Mayor's office regarding looking into that. Chief Fong stated that when the Department move forward on the entire project, she would look at it in its entirety.

Commissioner Sparks asked about community policing and has the Chief identified additional needs for staffing beyond the 1971. Chief Fong stated that potentially it would require more. All the district captains provides a map with their sector boundaries so that it can be shown how may shifts and on each shift how many radio cars are staffed so that the Department can look at those minimum numbers when you take into consideration that nobody is anywhere but in the station. Another area being looked at is what are the beats that are currently within each and every district and when are they staffed.

Commissioner Veronese stated that 1971 number is a delusional standard. He stated that the Department needs to look at how many officers the City needs whether it's 3000 or 2500, whatever that number is, the Department should set its sights on that number now and start telling the Board and the Mayor that we need those numbers and we need them soon. Chief Fong stated that she agrees with the Commissioner but she also realized, however, that the Department needs to make sure that this is the number it wants but the Department needs to be able to get the applicants, get them through the process in each and every stage and that's why the long term plan to raising the level of staffing to the level that it should be as opposed to a year-to-year plan. The plan that is being worked on is not a one fiscal year plan. It is not going to end at the end of the fiscal year. It's going to be for the next 3 to 5 years and this is the plan that the Department believes need to be funded.

Commissioner Marshall wanted to say that more police doesn't necessarily mean better quality policing. Chief Fong explained that the Department is not only looking at training not only at the Academy level but at the continued professional training level because the Department wants the best quality training so that the officers truly are professional officers working with the community to insure public safety.

PUBLIC COMMENT:

None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

None. Director Allen is not able to make the meeting due to illness.

APPROVAL OF MINUTES FOR THE MEETING OF JULY 13, 2005 AND JULY 20, 2005

Motion by Commissioner Marshall, second by Commissioner Sparks to approve the minutes. Approved 4-0.

COMMISSION ANNOUNCEMENTS

a. Assignment of disciplinary charges filed against Officer James P. Trail (File No. JCT C05-190) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 2-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES P. TRAIL (FILE NO. JCT C05-190)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer James P. Trail, Star No. 921, Ingleside, was called it having been set for this date; and

WHEREAS, Commissioner David Campos is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer James P. Trail; therefore be it

RESOLVED, that Commissioner Campos is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer James P. Trail, and is to be set at a later date.

AYES: Commissioners Renne, Chan, Marshall, Sparks, Veronese
ABSENT: Commissioners Campos, DeJesus

Sergeant Reilly announced that the District Meeting will be held in the Mission District on Wednesday, January 25th, 6:00 p.m., at the Sanchez Elementary School, 325 Sanchez Street.

PUBLIC COMMENT:
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Renne announced that next week will be the Lankford matter and the week after that a report from Deputy Chief Tabak.

Commissioner Chan would like a presentation on the matter of the retractable baton.

Motion by Commissioner Chan, second by Commissioner Veronese to adjourn the meeting.

Thereafter, the meeting was adjourned at 7:17 p.m.

Joseph O'Reilly

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 11, 2006
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Pledge of Allegiance; Roll Call

1. Public Comment
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Commission may decide to consider Item No. 2, in whole or in part, in closed session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code Section 67.10(b). In which case:

a. Public Comment on all matters pertaining to the Closed Session.
b. Reconvene to Open Session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a).

2. Hearing on Motion to Dismiss Disciplinary Charges

a. Discussion and possible action to grant or deny motion to dismiss disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-126 JWA) under Government Code 3304(d) (ACTION ITEM)

b. Discussion and possible action to grant or deny motion to dismiss disciplinary charges filed against Lieutenant Jerry Lankford (File Nos. C04-113 JWA & C04-126 JWA) on the grounds that the alleged charges are unconstitutional and filed as a pretext for unlawful race-based employment discrimination (ACTION ITEM)

The following time limits will apply:
Charged officer's opening argument: up to twenty (20) minutes
Department's opening argument: up to twenty (20) minutes
Charged officers' closing arguments: ten (10) minutes

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3. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed against Officer Demarco Foster (File No. C05-109 JCT). Officer Foster resigned from the San Francisco Police Department effective close of business on January 5, 2006. Said disciplinary charges will be placed back on calendar should the officer be within the jurisdiction of the Police Commission in the future. (ACTION ITEM)

4. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

5. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

6. Approval of minutes for the Police Commission meeting of January 4, 2006 (ACTION ITEM)

7. Commission Announcements (DISCUSSION ONLY)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Mission District, Sanchez Elementary School, 325 Sanchez Street, at 6:00 p.m., on Wednesday, January 25, 2006, to hear comments from the public and Mission Station Captain John Goldberg concerning public protections issues in the Mission District.

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JANUARY 11, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:30 p.m., in Regular Meeting.

PRESENT: Commissioners Renne, Campos, Chan, DeJesus, Marshall, Sparks, Veronese

PUBLIC COMMENT

Stipman discussed concerns regarding towing of his vehicle.

Kathy Perry brought a request for information regarding Commission Resolution 29-02 and request for copies of various Department documents.

Elizabeth Prantes discussed concerns regarding medical marijuana.

Unidentified discussed concerns regarding Taraval Station in not responding to an emergency call.

Ace Washington discussed concerns regarding abuse by the police and stated that all charges were dropped against him and stated that he will file a complaint with the OCC and with the City.

HEARING ON MOTION TO DISMISS DISCIPLINARY CHARGES

a. Discussion and possible action to grant or deny motion to dismiss disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-126 JWA) under Government Code 3304(d).

b. Discussion and possible action to grant or deny motion to dismiss disciplinary charges filed against Lieutenant Jerry Lankford (File Nos. C04-113 JWA & C04-126 JWA) on the grounds that the alleged charges are unconstitutional and filed as a pretext for unlawful race-based employment discrimination.

(The entire Lankford proceedings were taken in shorthand form by Ms. Anna Greenley, CSR, Roomian & Associates.)

Ms. Eileen Burke, Attorney at Law, appeared on behalf of Lieutenant Jerry Lankford.

Mr. Robert Tronnes, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The Commission decided to consider this item on closed session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code Section 67.10(b).

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Sparks to hold closed session. Approved 7-0.

PUBLIC COMMENT

Steve Currier, Outer Mission Residence Association, commended Lt. Lankford on his work with the community in the Ingleside District.

Marylon Boyd had some questions in regards to the Gomes case and questions in regards to the statute of limitations.

RECONVENE TO OPEN SESSION:

I. Possible report on action taken in Closed Session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b).

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ii. Vote whether to disclose any or all of the discussion held in Closed Session pursuant to S.F. Administrative Code section 67.12(a)

Commissioner Renne announced that the Commission has met in Closed Session and had unanimously denied both of the motions that have been made.

Motion by Commissioner Chan, second by Commissioner Marshall for non disclosure of discussion held in Closed Session. Approved 7-0.

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILED AGAINST OFFICER DEMARCO FOSTER (FILE NO. C05-109 JCT). OFFICER FOSTER RESIGNED FROM THE SAN FRANCISCO POLICE DEPARTMENT EFFECTIVE CLOSE OF BUSINESS ON JANUARY 5, 2006. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD THE OFFICER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE

Motion by Commissioner Chan, second by Commissioner Marshall take off calendar indefinitely the disciplinary charges filed against Officer Demarco Foster. Approved 7-0.

RESOLUTION NO. 3-06

HEARING OF OFFICER DEMARCO FOSTER, STAR NO. 4204

WHEREAS, on September 6, 2005, Chief of Police Heather J. Fong made and served disciplinary charges against Officer Demarco Foster, Star No. 4204, Planning Division, as follows:

SPECIFICATION NO. 1
Drawing, displaying and brandishing a firearm in public while off-duty (violation of Department General Order 5.02 of the San Francisco Police Department);

(1) At all times herein mentioned Demarco Foster, Star Number 4204, (referred to as "the accused") was a police officer, employed by the San Francisco Police Department, assigned to the Planning Division.

(2) As a member of the department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) In August 2004, in the early morning hours, the accused was off duty and present at Kelly's Mission Rock, a nightclub located at 817 Terry A. Francois Street in San Francisco. As he left the club, he witnessed a fight on the sidewalk and the street. The accused was armed with an H and K .40 caliber semi-automatic handgun. As the altercation came into proximity with the accused and his vehicle, the accused drew, displayed and brandished his firearm at the combatants and other members of the public who were present. This action was a precursor to the possible use of deadly force by the accused. This action was unwarranted and unnecessary.

(4) The accused, by committing such actions with his off-duty firearm, has engaged in conduct that any reasonable police officer must know violates the standards of the department and is cause for discipline or dismissal from employment; such conduct violates Department General Order 5.02, which states:

A. GENERAL. It is the policy of the San Francisco Police Department that officers exhaust all reasonable means of apprehension and control before resorting to the use of firearms. Officers, however, shall not unnecessarily or unreasonably endanger themselves in applying the policies and procedures contained in this order in actual situations.
B. DRAWING FIREARMS
1. PUBLIC PLACES. An officer shall not draw a firearm in any public place, except in the line of duty or for inspection by a superior.
2. OFFICER/PUBLIC SAFETY. Nothing in this policy shall prohibit the drawing or exhibiting of a firearm in the line of duty when an officer reasonably believes it necessary for his/her own safety or for the safety of others. Officers may also draw and be ready to use a firearm anytime they have reasonable cause to believe that they or another person may be in immediate danger of death or great bodily injury. Officers shall not cock their firearms in these instances.
3. JUSTIFICATION. Any officer drawing a weapon in public must be able to articulate the reasons consistent with this order and any other current order regarding the subject. Firearms shall not be displayed without justifiable cause.

SPECIFICATION NO. 2
Using profane and inappropriate language toward and in the presence of members of the public after identifying himself as a police officer (violation of Rule 14, Department General Order 2.01 of the San Francisco Police Department);

(5) Paragraphs 1 through 4 of Specification No. 1 are incorporated in this charge by reference and realleged as though set forth in full.

(6) At the time the accused was drawing, displaying, and brandishing his firearm, he also identified himself as a peace officer. He did so verbally and by displaying his department star.

(7) After so identifying himself, the officer used profane language3 to those members of the public present in front of the Kelly's Mission Rock, making the statements, "Get the fuck off my car," and, "I don't play that shit."

(8) The accused, by using such profane language after identifying himself as a peace officer, has engaged in conduct that any reasonable police officer must know violates the standards of the department and is cause for discipline or dismissal from employment; such conduct violates Rule 14 of Department General Order 2.01, which states:

PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment."

SPECIFICATION NO. 3
Failure to answer questions asked by a superior truthfully without evasion (violation of Rule 21, Department General Order 2.01 of the San Francisco Police Department);

(9) Paragraphs 1 through 4 of Specification No. 1 and paragraphs 5 through 8 of Specification No. 2 are incorporated in this charge by reference and realleged as though set forth in full.

(10) Upon being interviewed by the Management Control Division (MCD), the accused said that the altercation in front of Kelly's Mission Rock nightclub involved some 15 people, as well as security personnel, and that they all ended up on the hood of his vehicle. However, nightclub security personnel interviewed by MCD that were there refuted that claim, saying that there were only two combatants and that no one was

on the accused's vehicle.

(11) The accused also said during his MCD interview that he had not moved his vehicle before displaying his weapon and identifying himself as a peace officer. Security personnel said that the accused was driving and that his vehicle was moving away from the scene as the fight was taking place.

(12) The accused, during his MCD interview, said that he did not draw his firearm until after telling the crowd that he was a cop and after they had turned and advanced on him, with them saying, "Fuck you bitch ass cop." Security personnel contradict this statement by saying that the accused exited his vehicle with a pistol in his hand.

(13) During his MCD interview, the accused said that what prompted him to remove his firearm from its holster was that a crowd of 15 people was advancing on him and that he thought the display of the weapon was necessary to protect the security personnel and himself. These same security personnel said that Officer Foster was never threatened and that no one from the security staff was involved in any physical altercations on this day.

(14) The accused also asserted to MCD personnel that he did not point his firearm at anyone during this incident, but rather only pulled it out of its holster and held it at his right side. Security personnel again contradict the accused by stating that the accused pointed and aimed his weapon at people.

(15) The accused, by not telling the truth to the investigator from the Management Control Division regarding the factual circumstances of this incident, has engaged in conduct that any reasonable police officer must know violates the standards of the department and is cause for discipline or dismissal from employment; such conduct violates Rule 21 of Department General Order 2.01, which states:

COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights).

<u>SPECIFICATION NO. 4</u>

Failure to report involvement as a peace officer while off-duty in a serious criminal incident (violation of Rule 26, Department General Order 2.01 of the San Francisco Police Department);

(16) Paragraphs 1 through 4 of Specification No. 1, paragraphs 5 through 8 of Specification No. 2, and paragraphs 9 through 15 of Specification No. 3 are incorporated in this charge by reference and realleged as though set forth in full.

(17) The accused stated that he was present in front of Kelly's Mission Rock nightclub when a crowd was involved in a fight and advanced toward him. The accused said that he feared for his life, the lives of others, and his property. The accused said that he displayed his firearm and identified himself as a police officer. The accused further stated that he was prepared, if necessary, to use deadly force in this incident.

(18) The accused asserted that this amounted to a serious incident that required police attention. The accused failed to notify the department

of this incident and his involvement in it.

(19) The accused, by observing and interjecting himself as a peace officer with a display of his firearm, and failing to report either the incident or his involvement in it has engaged in conduct that any reasonable police officer must know violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule 26 of Department General Order 2.01, which states:

OFF-DUTY REPORTING. Officers shall, when off duty, report any serious crime or urgent police matter brought to their attention. Officers shall report any incident in which they become involved as a peace officer.

SPECIFICATION NO. 5
Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule 9, Department General Order 2.01 of the San Francisco Police Department).

(20) Paragraphs 1 through 4 of Specification No. 1, paragraphs 5 through 8 of Specification No. 2, paragraphs 9 through 15 of Specification No. 3, and paragraphs 16 through 19 of Specification No. 4 are incorporated in this charge by reference and realleged as though set forth in full.

(21) The accused, by inappropriately drawing, displaying and brandishing a firearm, by using profane and inappropriate language to the public after identifying himself as a police officer, by failing to answer questions asked by a superior truthfully and without evasion, and by failing to report his involvement as a peace officer while off-duty in a serious criminal incident, engaged in conduct which any reasonable police officer must know violates the standards of the department and is cause for discipline or dismissal from employment; such conduct violates Rule 9 of Department General Order 2.01, which states:

MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

WHEREAS, Officer Demarco Foster, Star No. 4204, has resigned from the San Francisco Police Department with said resignation effective close of business on January 5, 2006; therefore be it

RESOLVED, that said charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Demarco Foster, Star No. 4204, be, and the same are hereby continued off calendar with the condition that said disciplinary charges be placed back on the Police Commission calendar should Officer Foster be within the jurisdiction of the Police Commission in the future.

AYES: Commissioners Renne, Campos, Chan, DeJesus, Marshall, Sparks, Veronese

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong introduced Lieutenant Dave Lazar, FOB, to make the presentation on homeless outreach by the Department.

Lieutenant Lazar presented the SFPD Operation Outreach. Operation

Outreach includes 31 officers involved in the focus of dealing with the homeless. There are designated officers throughout the different district stations whose job is to work with other agencies to get homeless people into services. There are approximately 5,600 homeless people in San Francisco.

The mission of Operation Outreach is to determined the places most frequented by the homeless, contact the homeless, determine their needs, and work collaboratively with various City agencies resulting in the administering of homeless services for those in need.

The officers who participate in Operation Outreach must go through the 40-hour Police Crisis Intervention Training that's held at the Presidio.

Mr. Darius Kahan, Human Services Director, spoke about the relationship between the Department and the Human Services Agency. He stated that it almost as though they have more social workers on the street through the Police Department, engaging in homeless people's lives and then connecting them to services.

Dr. Raj Parekh, Director of Homeless Outreach Team, talked about the Homeless Outreach Team. He stated the team is composed of staff members from the Department of Public Health, Human Services Agency, and a non-profit cast. He stated that the officers of Operation Outreach serves as their eyes and ears in the community. The officers have been successful in identifying people who have extreme need and these are the people that are referred to the team. Dr. Parekh stated that this has resulted in San Francisco streets becoming safer, not only for the homeless, but for the public in general. Dr. Parekh also stated that he though that the Chronicle article was unfair in that it did not address a lot of the things that the Outreach Detail is doing and that that should be taken into consideration.

Commissioner Veronese stated that it is essential that San Francisco Police Officers understand homelessness and that all SFPD officers should understand homelessness. Commissioner Veronese stated that his concern is staffing. He stated that there are 31 officers that are part of this program and Commissioner Veronese asked if a better department better qualified to do this. He stated that the Department should take a close look at where assets are being placed and if there are people that are more qualified to do certain jobs, those qualified people should be put in to do those jobs.

Chief Fong clarified that there are more than 59 people assigned to the Investigations Bureau. Chief Fong stated that there at 59 vacant requisitions for inspectors. Chief Fong explained that the officers assigned to Operation Outreach, they are assigned throughout the city and they are not focused just on Operation Outreach. They are uniformed police officers in radio cars and they do respond to calls for service. They also have received additional training so that they can do some of the outreach that all officers should do. Chief Fong stated that she does agree with Commissioner Veronese in that there are other resources that if they had the staff and resources available to go out and to do the outreach work, then the Department will continue to support and will pull back a little bit but when the Department do get calls about concerns of homeless individuals on the street, about people who are having a difficult time, and people are calling for help, police and fire are generally the first to respond. So that is why this model of working with those agencies, of getting those professional caretakers who can go out and offer those other services are very important but it has to be a cooperative.

Commissioner Chan asked, at any given watch, how many officers can be reasonably expected to be available, who have the training and who can respond, in this team-oriented approach. Lieutenant Lazar stated that he doesn't have the exact numbers as far as those who have been trained in police

crisis intervention training but with regard to Operation Outreach, the 31 officers work during the day watch.

Commissioner Chan asked if there are other City Agencies working during off hours. Lieutenant Lazar stated that during the evenings and on weekends, the Police Department is essentially the primary agency responding to some of those complaints.

Commissioner Chan asked if the Department has a framework by which data can be compiled to at least catalog the amount of non aggressive contacts that members of the Department have with the public. Lieutenant Lazar stated that speaking with the Operation Outreach Program itself, beginning in September, every officer that's involved in the program is required to complete a 3 ½ - statistical page every month to be submitted to him.

Commissioner Chan asked if there are grants available that would reimburse the Department for this program. Lieutenant Lazar explained that he spoke with the Grant Unit to try to obtain some funds for all the work the Department is doing. He stated that the Grant Unit is working on that.

Commissioner Campos stated that he shares the concern that Commissioner Veronese has but stated that what he saw at the presentation is a perfect example of community policing and that it really shows that it's imperative that the Police Department not only play a role in dealing with crime but that there is a preventative side to a lot of things that the Department is doing. Commissioner Campos stated that working with other city agencies is an excellent way of using resources. He commended the Chief and Lieutenant Lazar for everything that has been done.

Commissioner Campos asked what are the plans for the other officers that are not part of this program. Lieutenant Lazar stated that some training have started by way of the Chief's message. He explained that Chief Fong puts out a message every month to all the officers in the department and on a couple of those months, he has been one of the guest speakers that have spoke about the resources and some of the things the officers could do with regard to the homeless. Another vehicle used is the Department Bulletin. The Homeless Resource Sheet has been put out to all members of the department.

Commissioner Marshall is excused at 8:33 p.m.

PUBLIC COMMENT

Darryl Jones stated that this program is not what is presented today. She discussed concerns about being abused and beaten by hospital practitioners.

Reuben Goodman discussed concerns about being homeless and about being evicted from the Empress Hotel.

Matt Leroy discussed concerns about evictions and concerns about the quality of living spaces and services referred to the homeless.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen welcomed Commissioners DeJesus and Campos.

PUBLIC COMMENT

Unidentified discussed concerns regarding video tapes.

APPROVAL OF MINUTES FOR THE POLICE COMMISSION MEETING OF JANUARY 4, 2006

Commissioner Sparks requested that discussion with the Chief regarding staffing be included in the minutes.

Motion by Commissioner Sparks, second by Commissioner Chan the minutes be approved with the addition of the Chief's discussion regarding staffing. Approved 7-0.

PUBLIC COMMENT

Commissioner Campos stated that he appreciates having the minutes from the last meeting.

Commissioner Veronese asked that staffing discussion be calendared sooner than later.

Commissioner Renne stated that it will probably be in February.

Commissioner Renne requested that the approval of the minutes be continued until changes are made.

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the Commission will be meeting in the Mission District on January 25, 2006, at the Sanchez Elementary School, 325 Sanchez, at 6:00 p.m.

Commissioner Renne announced that the Commission will be considering written findings in regards to the motions heard today.

PUBLIC COMMENT

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Renne stated that the staffing issue will be calendar ASAP.

Commissioner Sparks asked that the budget be noticed at least two weeks before the meeting so that the public can attend. Commissioner Sparks asked the budget be calendared soon and asked that the Commission be involved in the beginning process of the budget as opposed to the middle or end.

Commissioner Sparks asked for a presentation in regards to Patrol Specials and asked the Chief be made a part of the community policing program and if not, why it can't be done.

Commissioner Chan would like to hear not only from the Chief and the command staff but to hear from the Patrol Specials themselves.

Commissioner Chan also asked for a presentation to the process by which members are promoted in the Department from sergeant to lieutenant. Also a presentation on promotional practices with respect to the Investigations Bureau.

Commissioner Chan asked for a report from the Chief in regards to cameras in patrol cars.

Commissioner Chan would like an update from the Chief as to the staffing plan to be put in place preparatory to the budget presentations and negotiations.

Commissioner Veronese would like a report on GPS tracking of police unit.

PUBLIC COMMENT

None

Motion by Commissioner Chan, second by Commissioner Sparks to adjourn the meeting.

Thereafter, the meeting was adjourned at 9:07 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

THERESA SPARKS
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 18, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Discussion and possible action to elect a Commission Vice President to fill the vacancy created by the resignation of Commission Vice President Gayle Orr-Smith (ACTION ITEM)

2. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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3. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Quarterly report on Officer-Involved Discharges
   c. 2005 Homicide Overview

4. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Update regarding OCC Outreach Policy

5. Request of the Chief of Police for approval to accept and expend funds from the Office of National Drug Control Policy, Counterdrug Technology Assessment Center (ONDCP/CTAC) to implement and maintain the Telephone Intercept System (ACTION ITEM)

6. Approval of minutes for the meetings of August 10, 2005, August 17, 2005, and January 4, 2006 (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

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Commissioner

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Commissioner

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Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 18, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Commission Announcements (DISCUSSION ONLY)

   a. Notice of reassignment of pending disciplinary cases: (ACTION ITEM)

      Officer Michael D. Maxwell (File Nos. C03-241 JWA, C04-032 JWA, & C04-096 JWA)
      Inspector Marvetia L. Richardson (File No. D02-140, Appeal of the Chief's Suspension)

      Sergeant Sherman Lee (File No. C03-147 CCL)
      Sergeant Walter Cuddy (File No. C03-146 CCL)
      Officer Marcial Marquez (File No. C03-148 CCL)
      Officer Nicholas Bettencourt (File No. C03-144 CCL)
      Officer Adam Choy (File No. C03-145 CCL)

      Sergeant Andre L. Fontenot (File No. C05-008 JWA)
      Officer Anthony J. Holder (File No. D03-364, Appeal of the Chief's Suspension)
      Officer Gary W. Hazelhofer (File No. C03-118 JWA)
      Officer Matthew R. Cole (File No. D03-348, Appeal of the Chief's Suspension)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Mission District, Sanchez Elementary School, 325 Sanchez Street, at 6:00 p.m., on Wednesday, January 25, 2006, to hear comments from the public and Mission Station Captain John Goldberg concerning public protections issues in the Mission District.

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

JANUARY 18, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:38 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Chan, Marshall
ABSENT: Commissioner Veronese

(Commissioner Marshall arrived at 6:50 p.m.)
(Commissioner Renne is excused at 7:10 p.m.)
(Commissioner Campos is excused at 8:50 p.m.)

DISCUSSION AND POSSIBLE ACTION TO ELECT A COMMISSION VICE PRESIDENT TO FILL THE VACANCY CREATED BY THE RESIGNATION OF COMMISSION VICE PRESIDENT GAYLE ORR-SMITH

Commissioner Chan nominated Commissioner Sparks to serve as Vice President of the Commission. Second by Commissioner Campos. Approved 5-0.

Commissioner Sparks thanked Commissioner Chan for his nomination.

Commissioner Renne announced that in talking with Captain Keohane, Attorney Jerry Tidwell, and Sergeant Reilly, the number of cases that were closed since last May is quite astounding. Commissioner Renne stated that 21 Commission cases were closed since last May and for MCD there were over 80 cases that were closed.

RESOLUTION NO. 4-06

ELECTION OF VICE PRESIDENT OF THE POLICE COMMISSION TO FILL THE VACANCY CREATED BY THE RESIGNATION OF COMMISSION VICE PRESIDENT GAYLE ORR-SMITH

RESOLVED, that Commissioner Theresa Sparks shall serve as Vice President of the San Francisco Police Commission to fill the vacancy created by the resignation of Commission Vice President Gayle Orr-Smith.

AYES: Commissioners Renne, Sparks, Campos, Chan, DeJesus,
ABSENT: Commissioners Marshall, Veronese

Commissioner Renne announced that she cannot stay for the entire meeting and asked that the Chief's Report be called out of order so that the Commission can hear the 2005 Homicide Overview.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Quarterly report on Officer-Involved Discharges
c. 2005 Homicide Overview

Chief Fong introduced Captain Chignell to present Citizen Commendations to members of the public. Chief Fong thanked Captain Chignell for putting these awards together.

Captain Chignell, Ingleside Station, presented Citizen Commendations to Mr. Joe Precoro, Retired Police Officer Alan McPheeters, Mr. Daniel Perez, Mr. Preston Worthy. Commissioner Marshall commended Mr. Worthy and Mr. Perez for their help in this particular incident. Captain Chignell also

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presented a certificate to Mr. Frank Morgan.

Commissioner Renne thanked all the citizens that were honored tonight.

Deputy Chief Tabak recognized the Firearms Unit of the Crime Lab for work that they did that was directly attributed to 23 indictments in 2005. Chief Tabak recognized Mr. John Sanchez, head of the Firearms Unit, with a Chief's Commendation and presented the entire unit with a Chief's Commendation.

Deputy Chief Tabak presented an overview of all homicides that occurred during the year 2005. Chief Tabak stated that in approximately 80 percent of the homicides, the Department has identified the perpetrator. But due to witnesses not willing to come forward, these cases remain open until other means of identifying the suspects is developed which quite often takes a long time and most of that way is done forensically. But, that is not always possible and without a willing witness, the case remains open or unsolved, but, more importantly, the murderer remains unaccountable. Chief Tabak asked for the community's support and commitment and not for their criticisms and excuses. Many of the solutions rests with the community and, therefore, the community is the one that sets tone for what happens in their neighborhood. If only half the witnesses came forward with the information they possessed, the Department's ability to clear cases would probably double but more importantly, the number of homicides that would be prevented by the arrests of the these suspects would increase exponentially because most attempted homicides suspects offend multiple times.

Chief Tabak stated that the other dynamic factors that affect crime in San Francisco is the historically high charging standards set by the District Attorney's Office, lack of accountability for juveniles who commit violent crimes, and lenient court dispositions. These factors help exacerbate the crime rate because the suspect remains out of custody and free to reoffend.

Chief Tabak talked about working with the U.S. Attorney's Office to attack and dismantle gangs in the Bayview, Ingleside, and Western Edition. Federal Grand Jury process and the indictment that they handed down have been largely responsible for the reduction of the black on black gang homicides.

Chief Tabak also talked about the need for certain tools that would make the violence reduction strategy more successful. Numerous conversations with the City Attorney's Office requesting civil gang injunctions has proven fruitful and as of November of 2005, the City Attorney's Office announced the start of that program. Chief Tabak also stated that numerous conversation with the Sheriff's Department encouraging them to acquire the necessary technology that would allow the department to monitor jail conversations immediately when someone's housed in the county jail. The value of this technology is that homicide is prevented, witness intimidation when someone's in custody, hits can be prevented that are being called from the jail, witnesses are safer. This program is due to begin in March of this year. Chief Tabak also stated that due to continued numerous requests and conversations with the District Attorney's Office, it seems that they may consider the use of the Grand Jury process as a regular tool specially for the black on black gang homicides. This is probably one of the most effective means of attacking and dismantling gangs.

Chief Tabak stated that the Department is committed to ending the senseless violence that too often plagues the neighborhoods.

Chief Tabak continued with his power point presentation titled "No Consequence = No Deterrence."

Commissioner Renne thanked Chief Tabak for his presentation. Commissioner Renne stated that there is a new person as head of the Mayor's Criminal Justice and stated that's where the city agencies get together and discuss homicides and crimes and crime prevention in the City. She stated that she hopes that these meetings does provide an opportunity to discuss some of the ideas that Chief Tabak has provided.

Commissioner Renne announced that she may have to leave early but would like to thank Chief Tabak for his presentation.

Commissioner Campos thanked Chief Tabak for his presentation. He stated that he has a lot of respect for the work that Chief Tabak and every police officer does in the Department. He stated that there is something about the presentation that bothered him. He stated that what bothered him is that Chief Tabak talked about personal responsibility, about what the District Attorney's Office could do, about what the community could do, and about a culture of violence in a lot of communities that is a cause of violence. Commissioner Campos asked what is the responsibility the Police Department has for what is happening.

Chief Tabak responded by saying that he can only address the issues as it relates to his area of responsibility and that's the Bureau of Investigations. He stated that he cannot address staffing issues which is out of his control. However, he stated that had Commissioner Campos been a member of the Commission a year and a half ago, he would have been able to hear a very thorough presentation of exactly all the strategies that have been put in placed primarily starting in June of 2004 to address the spike in homicides that was seen then. He talked about the augmentation and doubling of the Gang Task Force, the joining with ATF and FBI, working with community groups, going out in the community, going out to wannabe gang members trying to talk them out of the life, trying to remove as many of the tools of violence from the community as possible, and that's guns and narcotics. Chief Tabak talked about facilitating the process of witnesses coming forward. He stated that the focus of the strategy has been refocused to the community. He stated that there is a lot of things the Department is doing that was not included in his presentation because tonight's report is just an overview on the statistical side of things.

Commissioner DeJesus stated that she echoes what Commissioner Campos said. She stated that she understands that the Department is a Police Department and not a Social Service Department. However, one of the overwhelming things that she heard tonight is criticism. She stated that the Department should look at criticism as constructive criticism. She talked about in the past the Department has lost witnesses who did testify and did come forward and they were murdered and at that time the Department didn't have a relocation program. Commissioner DeJesus stated that what she's hearing tonight is that now there is a relocation program that is viable and that can assist in terms of getting people forward, but when the Department is losing witnesses, she stated that does fair very well for community trust and Commissioner DeJesus stated that that was criticism that came forward many years ago and that she sees now has been resolved and stated that there is constructive criticism that helps us grow and helps us focus on problems.

Commissioner DeJesus asked about community policing in the Bayview; what is the structure of the community policing, who set it up, what groups are on it, and how are the people able to bring their complaints or their ideas to the Police Department.

Commissioner Sparks thanked Chief Tabak for his presentation. Commissioner Sparks stated that the Department has done a wonderful job on gangs and reduction on black on black homicides but that doesn't represent all

of the homicides and at the same time the Department reduced the black on black, it appears that the non black on black homicides, some unavoidable, have gone up 66 percent from 36 to 60 in 2004 to 2005. Commissioner Sparks asked if the Department is applying pressure in one place with limited resources and what's happening is that it happening in another place. Chief Tabak explained that in 2005 there was a spike in these odd type of homicides that was not seen in 2004. The prime example is three statistics for homicide was the mother accused of throwing three babies off a pier. That is an odd type of statistic and there is nothing that the Department could have done to prevent that; domestic violence occurring indoors that has been going on for a long time and somebody loses their temper, these are the type of homicides that happened in 2005, a more of an increase in those types, the other types. But the targeted type, the black on black gangs, the ones that the Department is using its strategy for that the Department is able to affect because they are generally out doors, generally gun and narcotics related, those can be preempted but the spontaneous ones are going to occur.

Commissioner Sparks asked if 96 is the largest number in homicides annually. Chief Tabak stated that there was a high of 140s or 130s.

Commissioner Sparks asked about terminology. When something is "closed," does that mean someone has been arrested, or there's been an indictment, or there's been a conviction? Chief Tabak stated that "closed" mean someone's been arrested. Commissioner Sparks asked of those that were arrested, how many has been indicted. Chief Tabak stated that he does not have the statistics in front of him. Chief Tabak explained that indictments so far have been handed down by the Federal Grand Jury. Indictments are handed down by Grand Juries. The charging process, obtaining of a warrant, that is what is referred to as charging and then the District Attorney charges the case or chooses not to charge the case.

Commissioner Sparks asked how many of those arrested in homicide cases go free because the individual isn't charged. Deputy Chief Tabak explained that homicides are unusual because there is no statute of limitations and typically it takes a year or longer to actually identify a person. If there is no witness, the individual is identified by some other means. It is not something that typically gets cleared or charged in the same year that they occur.

Commissioner Sparks asked what are the chances of the arrested person actually going to jail or is actually going to get charged with the crime. Deputy Chief Tabak stated that due to the high charging standards in this county, you stand a less of a chance to get charged here than in any other like counties. Deputy Chief Tabak explained that the charging standards here are for akin to a beyond a reasonable doubt which is the standard used for a trial. The standard that is used by most jurisdictions is the probable cause standard at time of charging. Once the case is charged, it is built on after that and a case gets better before it goes to trial. But if the Department can never get a case charged and get it to trial and let the people decide on the value of the case, then we will never get the justice. This is some of the difficulty that's he spoke about in the past and it is historical but the Department feels that cases that don't get charged here will be charged somewhere else.

Commissioner Sparks asked about staffing in the Bureau of Investigations. Deputy Chief Tabak stated that he believes that they are budgeted for 302 inspectors and currently he has 211 inspectors are assigned to the Bureau of Investigations. Chief Tabak stated that it varies from different details as far as how many cases are assigned to inspectors. Chief Tabak also explained that there is a standard number of inspectors the he feels could accommodate the workload and this number has varied from year to year. He also stated that last year, in order to accommodate staffing shortages, he

dismantled the Night Investigations Unit and he was able to redeploy those inspectors to other details that were being impacted in order to get the work going.

Commissioner Sparks asked about a statement made by the POA in regards to stolen autos in San Francisco and no inspectors to respond. Chief Tabak stated that that's not a true statement and explained that cases are prioritized given the nature of the case and there is never a long delay because people will drop things that they are doing in order to respond.

Commissioner Sparks asked if black on black gangs are synonymous with drugs. Chief Tabak stated that drugs are a common factor in these types of gang disputes and shootings and homicides.

Commissioner Sparks commended Chief Tabak for his work as far as black on black and the gang reduction. Commissioner Sparks stated that her concern is the staffing shortage and its impact on the Bureau of Investigation's ability to investigate homicides in general.

Commissioner Chan stated that he was struck by Chief Tabak's comments about the cyclical nature of the matters that he had addressed. Commissioner Chan stated that he can remember a time that there was a similar problem in the Chinese community as a result of dramatic demographic changes which resulted in a series of events the culminated in the Golden Dragon massacre. He stated that he recalls his grandmother's generation which was a period of time in history that the Chinese community simply didn't cooperate with the police at all and she was already then a third generation San Franciscans. Commissioner Chan stated that these things do run in cycles and they take time. Commissioner Chan stated that he applauds Chief Tabak's efforts to identify the problem and encouraged Chief Tabak to continue with the fine work that he's doing.

Commissioner Chan asked what is the role that the District Attorney's investigators have with respect to the investigation of homicide cases and how that relationship has worked or not worked. Chief Tabak stated that there is very little to no involvement. Chief Tabak explained that when you compare San Francisco County to other counties such as Santa Clara, Alameda, or San Mateo, the District Attorneys down there dedicate a lot of resources to assist their homicide investigators in working up the cases once they are charged. Essentially, what happens is the inspectors will get a case, develop it, present it for charging. It gets charged, and then it is the District Attorney Investigation then, in those counties, that take it from that point to the point that it gets to trial. They do the reinterviewing. They deal with witness issues, relocation, if necessary. They obtain additional evidence that the District Attorney assigned to the case requests. There is a slew of things that the DAIs do in other counties. In this counties, our homicide inspectors are the ones that are encumbered to do all these things. Chief Tabak explained that the homicide inspectors in San Francisco are working twice as hard, if not more, when comparing other homicide inspectors in other large jurisdictions because they are the ones, from the point that they get the case charged, they have to do all the work that a DAI would normally do in another county. Chief Tabak stated that there were conversations with the D.A.'s chief investigator but staffing was an issue and at that point they could not do it.

Commissioner Chan asked about Ramey warrants. Chief Tabak explained that a Ramey warrant is a probable cause warrant sworn out before a judge by the investigator in that case. Essentially, an affidavit is submitted with the facts of the case and why the facts support an arrest of this individual. This is sworn under oath before a judge. The judge has to agree that there is probable cause and, therefore, signs the warrant. These warrants are used primarily for public safety reasons. It takes longer to get a D.A. warrant than it

would be to get a Ramey warrant. Chief Tabak stated that the Department uses Ramey warrants on a case by case basis specially when the Department feels someone has to be taken into custody quickly.

Commissioner Chan asked about Grand Juries. Chief Tabak stated that the mission of an investigation in a prosecution is to get at the truth and the Department needs to use any means available to get the truth. When there are witnesses that are reluctant to come forward there is no information to go by. Grand Jury process facilitates the obtaining of the information under secret proceedings that does not allow the suspects in the case or the suspect's family to intimidate the witness. Plus, the fact that when someone is hit with a Grand Jury subpoena, that's a legal process. If they don't respond, they're held in contempt. The Grand Jury process forces witnesses to come into a secret proceeding where they can actually say and tell what they saw. The Grand Jury process avoids the preliminary hearing, it's secret, it gives anonymity, it gets at the truth, and often times, it furthers the investigative process because new information comes out during these hearings.

Commissioner Chan asked about the media and its impact into public opinion. Chief Tabak stated that the media in this city has considerable impact into public opinion. Chief Tabak stated that for those who gives a fair representation of the facts, he doesn't have a problem with. But often, what is seen is that they become bad news reporters – unless there's bad news or there's a bad spin or something that could be controversial – they don't put in a lot of time and effort. Chief Tabak stated that the public needs to know the good work that its police department is doing because when it doesn't, it impacts their opinion of the Department and when that opinion is constantly negative, they are less apt to come forward and assist the Department when it needs assistance.

Commissioner Marshall explained that black on black gang is just one area of black on black crimes so basically the number can decline in that area but there are still a lot of black people killing black people last year. Commissioner Marshall stated that this is not just San Francisco's problem but a problem all over the United States. Commissioner Marshall asked if problems like these are discussed with other cities and other jurisdictions. Chief Tabak explained that he belongs to a major city chiefs conference that meets yearly. It's called the Intelligence Commanders Conference. This is an opportunity for major cities to compare notes but they do talk about strategies.

Commissioner Marshall asked what factors can the police control. Chief Tabak stated that it needs to start with community groups, parents, civic leaders, educational groups, community members, city government and once everyone is hitting on the same level then there will be systemic change and then you start the improvement.

Commissioner Marshall stated that the goal is to stop people from dying and stated that the is hoping that we can create an atmosphere that goes beyond reports for that to happen.

Commissioner Sparks asked about strategies and are they sustainable. Chief Tabak stated that the Department has been able to sustain the strategies since they were initiated. Staffing in the Gang Task Force has been augmented but they are sustainable.

Chief Fong introduced Deputy Chief Parra to present the quarterly report on Officer-Involved Discharges.

Deputy Chief Parra presented the quarterly report on Officer-Involved Discharged. Chief Parra reported on Case No. 005-05 which is an officer-involved discharged that occurred on October 4, 2005 which involved an

officer discharging his firearm on a pittbull. The officer discharged his firearm in accordance with DGO 5.02 1.C.2(b).

Commissioner Sparks asked about recently received summaries in case no. 007-04 and case no. 001-03. Commissioner Sparks asked for an update on the status of officer-involved shootings. Captain Keohane stated he does not have the exact numbers but the Department is very close to closing out the cases from the backlog. Commissioner Sparks asked for an update on the overall summary and commended Captain Keohane in closing the cases. Captain Keohane commended the investigators at MCD who put in some long hours in getting it done.

PUBLIC COMMENT

Sherry Hewlett asked if the Homicide report is available to the public and asked officially for a copy of the report. She made recommendations on what has to be done. She suggested taking a position on H and to support it. She expressed concerns that people are coming forward but the perpetrators are still out there.

Daniel Landry, President of Western Addition Branch of the African American Police Relation Board, discussed concerns regarding the homicide report.

Ace Washington discussed concerns regarding the statistics in the homicide report.

Matt Leroy stated he has a number of concerns regarding the homicide report.

PUBLIC COMMENT

None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Update regarding OCC Outreach Policy

Director Allen gave an update regarding the OCC Outreach Policy. He stated that this year the OCC will be reviving and strengthening their outreach plan to reach the community. He stated the intent of the 2006 strategy is to create or establish some kind of baseline protocol. A protocol that would help the OCC to continually disseminate information to the public to make people aware of the existence of OCC and the nature of work that is done in the investigative process and to dispel certain myths or misunderstandings that people may have of the OCC.

One of the main focus is internally within the office. He stated that he would like to make sure and encourage all of his staff to be 110 percent professional and that complaints be received in a professional and positive manner.

Director Allen stated that their brochures have been translated in Spanish, Cantonese, English, and working on having it translated in Tagalog. The brochures are available in the 10 district stations and also at the Commission Office. They are also available online and the complaint forms are downloadable at this time. The brochures and forms will also be delivered to community-based organizations. Director Allen stated that he would like to have investigators out in communities so that they will be there once a month and the communities can come to the investigators as opposed to going down to the OCC.

Director Allen also stated that they also go out to agencies if there is a request for a presentation. Director Allen also talked about the media and how they have worked with the media to get the word out.

Commissioner Chan asked about measuring the effectiveness of the strategy. Director Allen stated that surveys are done and breaking down the demographics of the people who comes and make a complaint and that's monitored on a yearly basis. This is a strategy that would be reviewed and renewed every year so as new methods and techniques become available, the OCC will evaluate the Outreach Strategy.

Commissioner Chan asked about media time donated to the OCC. Director Allen stated that the OCC has to identify the various forms of media out there that are available to the OCC and working with the schedule to do it.

Commissioner Chan asked about timetables by which specific elements of the strategy would be accomplished. Director Allen stated that many of them are taking place at this point. He stated that they have six engagements since January 1st. So as the document is being created or refined, they have met with communities and talked about putting satellite agencies out in the communities and also trying to draft the protocols for creating a satellite agency while they are still trying to figure out the overall Outreach plan. This is a one-year plan and every year the Director will review this plan.

Commissioner Chan asked about budget. Director Allen explained that the big budget concern is that this occurs outside of the general working hours of the OCC and that's been an issue that has gone on for the past five or six years. The OCC works on an 8-hour basis. Director Allen stated that a new budget proposal will be presented every year.

Commissioner Campos stated that one of the concerns he has is that with some communities, he thinks there is a cultural divide that might be a reason why many people in those communities do not know a lot about the OCC and with those communities, you have to do more than just respond to the request to speak. There has to be a proactive effort to really go to those communities and let them know that the OCC exists and what the role of the OCC is. Commissioner Campos asked Director Allen to provide the Commission with those efforts as soon as possible. Director Allen stated that his office works with Telemundo and other media to talk about the OCC. The OCC is also tracking down community meetings to get people out there.

Commissioner Campos asked what is the level of involvement, if any, that the communities and various community-based organizations had in actually or helping to prepare this draft. Director Allen stated that most of the information is gained through either people contacting him directly or through the investigators being out on the field talking to various people in the community and also the office initiating contact. Commissioner Campos would like a report that outlines what steps were taken by the OCC in drafting this plan; who had input in drafting it.

Commissioner Chan asked if any thought has been given to convening an advisory body to the OCC that is comprised of a representative from ethnic media that could better advise you as to whether or not the draft is on the right track and to make suggestions as to how to configure a strategy that within their particular expertise would be able to reach their communities. Director Allen stated that the OCC is trying to identify which agencies have the most contact with the people in the communities so that they can talk to them to get input on what has to be done. Commissioner Chan asked if the OCC has been in contact with various PR firms in the City. Director Allen stated that they started with the Mayor's Office Neighborhood Services to gather emails, information, organizations they work with. They have the contact with all these organizations.

Commissioner Sparks stated an annual update would be wonderful. Commissioner Sparks stated that looking at the draft, it is very reactive.

Commissioner Sparks stated she would like to see something more proactive. Something that that is for the OCC to outreach to them rather than ask them to come to you because that describes more properly what an outreach strategy is as opposed to reactive strategy. Commissioner Sparks also asked to put some numbers to it so that when the budget process starts go to them and say we need these additional money and additional people to do this.

Commissioner Sparks stated that they need to talk about the cost of this plan and make a case when the budget is done, that this is needed to be done whether to expand hours or do alternate hours to be able to have people available all the time. Commissioner Sparks would like to see what community-based organizations the OCC has forms at now, where the investigators are going to in the community, as an attachment.

Commissioner Marshall asked Director Allen to see him about free radio time.

PUBLIC COMMENT
None

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY, COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER (ONDCP/CTAC) TO IMPLEMENT AND MAINTAIN THE TELEPHONE INTERCEPT SYSTEM

Motion by Commissioner Chan, second by Commissioner DeJesus to authorize the Chief to accept and expend funds to implement and maintain the Telephone Intercept System. Approved 4-0

RESOLUTION NO. 5-06

APPROVAL TO AUTHORIZE THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY, COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER (ONDCP/CTAC) TO IMPLEMENT AND MAINTAIN THE TELEPHONE INTERCEPT SYSTEM

RESOLVED, that the Police Commission hereby approves to authorize the Chief of Police to accept and expend funds from the Office of National Drug Control Policy, Counterdrug Technology Assessment Center (ONDCP/CTAC) to implement and maintain the telephone intercept system.

AYES: Commissioners Sparks, Chan, DeJesus, Marshall
ABSENT: Commissioners Renne, Campos, Veronese

PUBLIC COMMENT
Unidentified discussed concerns regarding constitutional basis for listening to conversations.

APPROVAL OF MINUTES FOR THE MEETINGS OF AUGUST 10, 2005, AUGUST 17, 2005, AND JANUARY 4, 2006

Put over due to lack of quorum.

COMMISSION ANNOUNCEMENTS

a. Notice of reassignment of pending disciplinary cases: (ACTION ITEM)

Officer Michael D. Maxwell (File Nos. C03-241 JWA, C04-032 JWA, & C04-096 JWA)

Inspector Marvetia L. Richardson (File No. D02-140, Appeal of the Chief's Suspension)

Sergeant Sherman Lee (File No. C03-147 CCL)
Sergeant Walter Cuddy (File No. C03-146 CCL)
Officer Marcial Marquez (File No. C03-148 CCL)
Officer Nicholas Bettencourt (File No. C03-144 CCL)
Officer Adam Choy (File No. C03-145 CCL)

Sergeant Andre L. Fontenot (File No. C05-008 JWA)
Officer Anthony J. Holder (File No. D03-364, Appeal of the Chief's Suspension)
Officer Gary W. Hazelhofer (File No. C03-118 JWA)
Officer Matthew R. Cole (File No. D03-348, Appeal of the Chief's Suspension)

RESOLUTION NO. 6-06

REASSIGNMENT OF PENDING DISCIPLINARY CASES

RESOLVED, that the following pending disciplinary cases are reassigned to the following Commissioners:

Commissioner David Campos
Sergeant Sherman Lee (File No. CCL 03-147)
Sergeant Walter Cuddy (File No. CCL 03-146)
Officer Marcial Marques (File No. CCL 03-148)
Officer Nicholas Bettencourt (File No. CCL 03-144)
Officer Adam Choy (File No. CCL 03-147)
Officer Anthony J. Holder (Appeal) (File No. D03-364)

Commissioner Petra DeJesus
Officer Gary Hazelhofer (File No. C03-118 JWA)
Officer Michael Maxwell (File Nos. C03-241 JWA, C04-032 JWA & C04-096 JWA)
Inspector Marvetia Richardson (Appeal) (File No. M JWA D02-140)
Sergeant Andre L. Fontenot (File No. C05-008 JWA)

Commissioner Joe Marshall
Officer Matthew R. Cole (Appeal) (File No. D03-348)

AYES: Commissioners Renne, Sparks, Campos, Chan, DeJesus, Marshall
ABSENT: Commissioners Renne, Campos, Veronese

Sergeant Reilly announced that the District Meeting will be in the Mission District at the Sanchez Elementary School, 325 Sanchez Street, San Francisco, at 6:00 p.m.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

None

Motion by Commissioner Chan, second by Commissioner DeJesus to adjourn the meeting.

Thereafter, the meeting was adjourned at 9:15 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

JANUARY 25, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Mission District, Sanchez Elementary School, 325 Sanchez Street, San Francisco, at 6:10 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

(Commissioner Marshall arrived at 6:13 p.m.)

Commissioner Renne welcomed the audience and asked the Commissioners to introduced themselves.

CHIEF'S REPORT

a. Review of Recent Activities

Chief Fong welcomed the audience and introduced the Command Staff that were present. Present were Deputy Chief Pengel, Commander Harper, Commander Craig, Deputy Chief Shinn, and Commander Tacchini.

OCC DIRECTOR'S REPORT

a. Report on the function of the Office of Citizen Complaints

Director Allen introduced himself and described the duties and responsibilities of the Office of Citizen Complaints. He also handed out new flyers with the new TTY phone numbers.

APPROVAL OF MINUTES FOR THE MEETINGS OF AUGUST 3RD, 10TH, 17TH, AND 24, 2005, JANUARY 4th AND 11, 2006

Motion by Commissioner Sparks, second by Commissioner DeJesus to approve the minutes. Approved 6-0.

COMMISSION ANNOUNCEMENTS

Commissioner Renne announced that there will be a graduation on Friday, January 27th.

CAPTAIN JOHN GOLDBERG, COMMANDING OFFICER OF MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Goldberg welcomed the Commission, the Command Staff, and thanked the members of the public for their attendance. He also thanked Dr. Raymond Isolo, Principal of Sanchez Elementary School, for allowing the Department to use the facilities.

Captain Goldberg introduced the lieutenants at Mission Station. Present were Lt. McNally, Lt. Zelaya, Lt. Leydon, and Lt. Hogue who was not present. Captain Goldberg thanked his staff for their help with his presentation.

Captain Goldberg gave a brief overview of the district, the personnel, and the activities in the Mission District.

Commissioner Marshall asked about the homicides involving gangs. Captain Goldberg stated that there are the two big gangs, Nortenio and Sorenios, but there are a lot of little subgroups.

PUBLIC COMMENT

DOCUMENTS DEPT.
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Gustavos Rina, secretary of the city's oldest neighborhood group, thanked the beat officers of Mission Station and asked for more officers.

Mark Welsh, businessman in the Castro, complimented the beat officers of Castro Street and thanked the officers of the Mission Station.

Tom Rice, SRO resident, discussed concerns regarding violation of legal rights of tenants and asked to meet the officers working the SROs.

Kevin Syminite, building owner, stated that he was ready to sell the building due to drugs at Sycamore Street. He stated that since Captain Goldberg came to Mission Station, people started doing their jobs. He stated that every time he goes by the neighborhood, they are actually arresting the crack dealers and commend Captain Goldberg for a great job well done. He stated that he also has a building at the Tenderloin and stated that nothing is being done with drug dealers in the Tenderloin.

Earl Lawrence, 702 Baker Street resident, stated that the police department has become public enemy and discussed concerns about actions by the police.

Fernando Flores, SRO resident, discussed concerns regarding conflict with his landlord.

Pam Matsuda, Program Director for SAFE, thanked Captain Goldberg and the officers of Mission Station. She went on to thank the Police Department for their help in launching the annual Lunar New Year Campaign for Asian Merchants to address issues around extortion, robbery, and burglary.

M.P.R. Howard, 23rd and Potrero resident, discussed concerns regarding traffic enforcement around the SFGH area.

Darla Jones discussed concerns regarding police videos.

Trudy Byers, Civil Grand Jury, stated that the Civil Grand Jury is a jury that spends a year investigating any and all aspect of San Francisco City and County government to make sure that every citizen is being treated with respect and fairness and to make sure that every public official and civil servant is doing the best job possible.

Commissioner DeJesus asked about cameras in the district. Captain Goldberg stated that there are two cameras in the district. One is at 19th and Mission and the second one is at Camille and Treat. Captain Goldberg stated that there has been no complaints but have received requests for additional cameras at other area where there's problems.

Commissioner Campos commended Captain Goldberg and his staff for what is being done in the District. Commissioner Campos asked about what is happening with the residents of SROs. Captain Goldberg stated that this is the first complaints that he's heard about SROs. Captain Goldberg stated they are well equipped to respond to the concerns and as issues come to their attention, the officers respond and each one is taken individually. Captain Goldberg stated that the violations that was brought up tonight are probably misdemeanor violations and since they do not occur in the presence of the officers, the officers are obligation to at least offer a citizen's arrest and if somebody chooses to make that arrest, to accept that and then it is up to the Courts and the DA's office to decide.

Commissioner Campos asked if a specific officer is assigned to handle SROs. Captain Goldberg explained that the same officer is assigned to the same sector and they get to know the community and the individuals involved but there's no "SRO" officer.

Director Allen stated that one of the speakers tonight was contacted by the OCC and they are currently working with SROs and they will be out there next Tuesday to speak to the group.

Commissioner Marshall commented that at every district meeting there has been someone who has had an issue with the police and asked the OCC to handle those individual complaints. Commissioner Marshall stated that

something has to be done, specially at Bayview and Northern, because of the quality of satisfaction with the Department.

Commissioner DeJesus asked if there is anything like community dispute or arbitration that's offered to the resident and the manager prior to offering citizen's arrests. Captain Goldberg explained that if somebody wants to make a misdemeanor arrest, the officers are obligated to accept that. They also recognize that the court system on a one-on-one dispute on a misdemeanor is probably not going to go anywhere so, to the degree possible, the officers do utilize community courts and community dispute resolutions.

Commissioner Renne asked if the Department of Social Services, Trent Corp, supposed to be on top of this SRO issue and following it and monitoring it because they had a certain obligation to oversee these things. Captain Goldberg stated that he gets cooperation from the City Attorney's office and all of the city agencies that come in for a large inspection addressed issues from top to bottom and have been very helpful

Commissioner Veronese stated that the Mission District is one of his favorite districts in the City because it is so rich in culture and thanked Captain Goldberg for his presentation.

Commissioner Veronese asked the Chief about the homicide presentation that was given last week and stated that he has a number of questions that will be given to the Chief in writing. Commissioner Veronese stated that what he is focusing on is the performance of the Homicide Unit. He would like some answers as to the performance of the Homicide Unit. Commissioner Veronese stated that he has spoken to the Lieutenant in charge of the San Jose Homicide Unit and they, in 2005, resolved 30 of the 32 homicides that happened down there.

Commissioner Veronese also stated that the budget process is coming and he does not want it to sneak up on the Commission. He stated that he wants to be involved in the process and would like the budget to come before the Commission.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

None

Motion by Commissioner Campos, second by Commissioner DeJesus to adjourn the meeting. Approved 6-0.

Thereafter, the meeting was adjourned at 7:24 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 25, 2006
6:00 p.m.

MISSION DISTRICT
Sanchez Elementary School
325 Sanchez Street (Between 16th & 17th Streets)
San Francisco, California

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Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

3. Approval of minutes for the meetings of August 3rd, 10th, 17th, and 24, 2005 , January 3rd and 11, 2006 (ACTION ITEM)

4. Commission Announcements (DISCUSSION ONLY)

5. Captain John Goldberg, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District (DISCUSSION ONLY)

6. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

7. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at: Sanchez Elementary School, 325 Sanchez Street, San Francisco

Accessible MUNI lines serving this location is: #37 line, F line, K, L, M Line
For information about MUNI service call 923 6142

The closest BART Station is: 16th and Mission Station

Accessible parking Sanchez schoolyard

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

San Francisco Police Commission

Meeting in the Mission District

Come and meet your Police Commissioners! This is an opportunity for citizens of the Mission District to address the Police Commission on matters of interest and concern.

Hosted by:	Mission Police Station
Where:	Sanchez Elementary School 325 Sanchez St. (Between 16th and 17th St.)
When:	Wednesday, January 25, 2006 at 6 PM

- Free parking available in the Sanchez schoolyard.
- An accessible entrance is located on Sanchez Street, near 17th Street.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 1, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Discussion and possible action to adopt statement of decision denying the following motions in the matter of Lieutenant Jerry Lankford (File No. C041-26 JWA and C04-113 JWA): (ACTION ITEM)

   a. Motion to dismiss disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-126 JWA) under Government Code 3304(d);

   b. Motion to dismiss disciplinary charges filed against Lieutenant Jerry Lankford (File Nos. C04-113 JWA & C04-126 JWA) on the grounds that the alleged charges are unconstitutional and filed as a pretext for unlawful race-based employment discrimination.

The Commission may decide to consider Item No. 2, in whole or in part, in Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code Section 67.10(b). In which case:

a. Public Comment on all matters pertaining to the Closed Session
b. Vote on whether to convene to Closed Session
c. Reconvene to open session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54957.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussions held in Closed Session pursuant to S.F. Administrative Code section 67.12(a)

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5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

3. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Update on Officer-Involved Shooting (OIS) #007-05 per Department General Order 8.11
   c. Summary Report on current OIS Investigations

4. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

5. Approval of minutes for the meetings of September 14, 2005 and January 18, 2006 (ACTION ITEM)

6. Commission Announcements (DISCUSSION ONLY)
   a. Notice of filing of amended disciplinary charges filed against Officer Matthew P. Tongsing (File No. C03-094 JWA)

7. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Northern District, Rosa Parks Elementary School, 1501 O'Farrell Street, San Francisco, at 6:00 p.m., on Wednesday, February 22, 2006, to hear comments from the public and Mission Station Captain Kevin Dillon concerning public protections issues in the Northern District.

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

FEBRUARY 1, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:38 p.m., in a Regular Meeting

PRESENT: Commissioners Renne, Campos, Chan, DeJesus, Marshall, Veronese
ABSENT: Commissioner Sparks

Commissioner Renne commended Captain Keohane and Mr. Jerry Tidwell, Attorney at Law for MCD, for the good work that they have been doing on the backlog of cases.

Captain Keohane introduced Ms. Kelly O'Haire, the new attorney for the Management Control Division.

PUBLIC COMMENT

Unidentified discussed concerns regarding SRO units and the violation of tenant's rights.

Meesha Irizarry read a prepared statement regarding Sgt. Davis.

Kathy Perry discussed her request for information and asked for a written response from the Commission.

Unidentified asked how often officers get tested for drug use and steroid use.

Francisco Decosta, Director of Environmental Justice Advocacy, discussed concerns that many issues have not been addressed and concerns about drugs and guns in the community and concerns about child molesters in the community.

Barry Toronto, cab driver, welcomed the two new Commissioners and discussed concerns regarding staffing of the Taxi Detail and concerns about limo way bills.

Ace Washington discussed a book about police brutality and discussed concerns regarding denial of his press pass.

DISCUSSION AND POSSIBLE ACTION TO ADOPT STATEMENT OF DECISION DENYING (A) MOTION TO DISMISS DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD (FILE NO. C04-126JWA) UNDER GOVERNMENT CODE 3304(d); AND (B) MOTION TO DISMISS DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD (FILE NOS. C04-113 JWA & C04-126 JWA) ON THE GROUNDS THAT THE ALLEGED CHARGES ARE UNCONSTITUTIONAL AND FILED AS A PRETEXT FOR UNLAWFUL RACE-BASED EMPLOYMENT DISCRIMINATION

Motion by Commissioner Veronese, second by Commissioner DeJesus to adopt statement of decision denying motions. Approved 6-0.

RESOLUTION NO. 7-06

ADOPTION OF STATEMENT OF DECISION DENYING (1) MOTION TO DISMISS DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD (FILE NO. C04-126 JWA) UNDER GOVERNMENT CODE 3304(d) AND (2) MOTION TO DISMISS DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT JERRY LANKFORD (FILE NOS. C04-113 JWA & C04-126 JWA) ON THE GROUNDS THAT THE ALLEGED CHARGES ARE UNCONSTITUTIONAL AND FILED AS A PRETEXT FOR UNLAWFUL RACE-BASED EMPLOYMENT DISCRIMINATION

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RESOLVED, that the Commission hereby adopts the statement of decision denying (1) Motion to dismiss disciplinary charges filed against Lieutenant Jerry Lankford (File No. C04-126 JWA) under Government Code 3304(d); and, (2) Motion to dismiss disciplinary charges filed against Lieutenant Jerry Lankford (File Nos. C04-113 JWA & C04-126 JWA) on the grounds that the alleged charges are unconstitutional and filed as a pretext for unlawful race-based employment discrimination. The statement of decision states:

"In these preliminary motions, Lieutenant Jerry Lankford asks the San Francisco Police Commission to dismiss all charges in case number C0-126 on the grounds that the charges are time-barred under Government Code section 3304(d), and all charges in cases numbered C04-113 and C04-126 on the grounds that the charges are unconstitutional.

The Lieutenant, through his counsel Eileen Burke, filed written motions. The Police Department, through its counsel Robert D. Tronnes, filed oppositions to the motions. The Commission heard argument from both parties at its meeting of January 11, 2006.

The facts relevant to these motions are not in dispute. Having considered the briefs and arguments of both parties, the Commission hereby denies the charged Lieutenant's motions to dismiss, and adopts this statement of decision.

A. Limitations Period under Government Code section 3304(d).

The Peace Officer Procedural Bill of Rights Act bars a public agency from disciplining a public safety officer if the agency has not completed its investigation and notified the officer of its proposed disciplinary action within one year of the agency's discovery of the allegation of an act, omission, or other misconduct by a person authorized to initiate an investigation. (Govt. Code § 3304(d).) If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year limitations period is tolled during the pendency of that civil action. (Govt. Code § 3304(d)(6).)

The charges in C04-126 concern Lt. Lankford's off-duty conduct during traffic stops that occurred on December 28, 2002, April 29, 2003, and May 5, 2003. According to the charges, in each instance, a towel obscured the license plate of Lt. Lankford's vehicle. Also in each instance, Lt. Lankford told officers at the scene that the towel's placement was inadvertent. The Police Department discovered the alleged misconduct only after July 22, 2003, when investigators from the Department's Management Control Division initiated an investigation that uncovered a pattern of three similar traffic stops, which suggested to the Department that the conduct may have been intentional instead of accidental. The charges in C04-126 were filed less than one year later, on July 21, 2004.

On April 6, 2004, Christina Gomez filed a civil action against Lt. Lankford and the City and County of San Francisco. Gomez claimed that on July 1, 2003, Lankford abducted her as she walked through San Francisco's Tenderloin district. (*Gomez v. City and County of San Francisco*, U.S. District Court for the Northern Dist. of Cal., Case No. C 04-01692 PJH, First Amended Complaint.) Gomez also alleged that "Lankford has not been disciplined for frequenting red-light districts in San Francisco . . . or his numerous traffic violations," and that "SFPD commanding officers conspired with Lankford to conceal civil rights abuses, including . . . traffic violations." (*Ibid.* at ¶¶ 20, 24.) The court dismissed all claims against San Francisco on January 10, 2005, and dismissed the entire action on June 27, 2005.

For these reasons, and taking into consideration the written filings and arguments of counsel, the Commission finds that the charges were filed within one year of the discovery of the allegation of an act, omission, or other misconduct by a person authorized to initiate an investigation, as required by Section 3304(d). Moreover, even if the charges were not filed within one year of the discovery of the allegation of misconduct, the *Gomez* action tolled the

limitations period, rendering the charges timely under Section 3304(d)(6).

B. Constitutional Arguments

Lieutenant Lankford argues that the charges in Cases C04-113 and C04-126 violate his constitutional right to travel and to freedom of movement, and are unconstitutionally vague. Considering all of the written filings and arguments of counsel, the Commission finds that the charged Lieutenant has articulated no constitutional infirmity to any of the charges in Cases C04-113 or C04-126, and that there is no basis for finding a constitutional violation. The motions are denied.

AYES: Commissioners Renne, Campos, Chan, DeJesus, Marshall, Veronese
ABSENT: Commissioner Sparks

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Update on Officer-Involved Shooting (OIS) #007-05 per Department General Order 8.11
c. Summary Report on current OIS Investigations

Chief Fong announced that Friday, 32 new officers graduated from the Police Academy and that there is still one academy class in training at the current time that will graduate at the beginning of June.

Chief Fong commended officers for their work in two demonstrations. One was last night's anti-war rally in Union Square. The other demonstration was the prochoice and prolife march which drew over 10,000 people and the Department has received many complimentary letters of the officers who were on line.

Chief Fong stated that the Department is working closely with the Mayor's Office of Criminal Justice and that on Monday there was a presentation made at the Board of Supervisors on stopping gun violence. Slides were provided to the Commission.

Chief Fong talked about a grant to assists in the hiring of personnel to be placed in schools, not as police officers, but as counselors to work with the young people in the schools more in the preventative mode. Chief Fong announced that that grant is moving forward.

Chief Fong announced that next week the Department will be making a presentation to the Commission about the budget.

Commissioner Marshall asked about documents that were talked about last week. Chief Fong explained that the documents that were given to the Commission addresses specifically the homicides as well as the shootings that occurred in the year 2004 and 2005 and it breaks down locations, dates, times, tools used, and the people involved, and it also has the district break downs. Chief Fong stated that the documents that they talked about last week are the statistical reports, the crime data reports. Chief Fong stated that she has asked the Department of Justice for the data for the complete year and this will be given to the Commission on Friday.

Commissioner Veronese asked if the budget is mission driven. Chief Fong stated that the Department will be sharing with the Commission the policies and the missions that the Department are proposing this budget for. Chief Fong stated that it will identify goals and missions.

Commissioner Campos followed up regarding SRO issue and would like a supplemental report on any efforts, if there are any, that the police are

undertaking to communicate with members of the community to address any concerns that they may have and also how the Department is dealing with non English speaking members of that community. Chief Fong stated that there is a liaison to the collaborative who is Captain Kathryn Brown from Tenderloin Station and that the Department will put together a report for the Commission.

Captain Keohane gave an update on current OIS investigations and announced that out of the 26 original officer-involved shootings, 23 investigations are completed and will have the final three done by March 17th. Captain Keohane commended the investigators of MCD for their work in closing the cases.

Lieutenant John Hennessy, Homicide Unit, presented the update on OIS #007-05 per Department General Order 8.11. He stated that after 45 days, OIS #007-05 which occurred on 11/22/2005, is not ready for submission to the Chief of Police. The Homicide Detail investigation is complete. The District Attorney's Office has not completed their investigation but they have asked for transcripts from the Department and upon receipt of those, Lt. Hennessy stated that he anticipates a letter that will close their investigation and it will be submitted to the Chief of Police. He anticipates to close the investigation by March and have it up to the Chief of Police.

PUBLIC COMMENT
None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Susan Leff, for Director Allen, announced that Director Allen met with the Mission SRO collaborative project and reported that it was a very productive talk and that Director Allen will be reporting back to the Commission in the future.

Commissioner Chan asked for status regarding proposal for translation services. Ms. Leff will get an update for the Commission.

Commissioner Campos asked when a revised draft of the community outreach plan will come before the Commission. Ms. Leff will give the message to Director Allen.

Commissioner Renne asked that investigative reports be put out in a timely fashion. Ms. Leff will give message to Director Allen.

Commissioner Chan asked about the charging standards of the OCC and would like an update as to what the status of the review with respect to the charging practices of the OCC because of concerns from the members of the Department that they are not being informed sufficiently as to what it is that is the subject matter of the OCC action. Ms. Leff will bring the information to Director Allen.

Commissioner Veronese discussed concerns regarding the lack of specificity of the charges and that his concern came up initially during discussion of the early warning system and would like to reiterate that if the charges are more specific and that becomes an element that can be tracked through the early warning system, that would be very useful to the Department to have that particular information. Ms. Leff will convey message to Director Allen.

PUBLIC COMMENT
None

APPROVAL OF MINUTES FOR THE MEETINGS OF SEPTEMBER 14, 2005 AND JANUARY 18, 2006

Motion by Commissioner Marshall, second by Commissioner DeJesus to approve the minutes. Approved 6-0.

COMMISSION ANNOUNCEMENTS

a. Notice of filing of amended disciplinary charges filed against Officer Matthew P. Tongsing (File No. C03-094 JWA)

Sergeant Reilly announced the filing of amended disciplinary charges against Officer Matthew P. Tongsing and that there are no additional substantive changes to the charges and this matter has already been assigned to Commission Veronese.

PUBLIC COMMENT
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner DeJesus would like a status report as to community policing as related to the Bayview District.

Commissioner Chan would like a timetable for district community policing. Commissioner Chan inquired about RFP with respect to wi-fi in San Francisco and asked if there are conversations with other City Agencies about making appropriate provision for the Department if and when this capability is provided to the residents of the City and County of San Francisco.

Commissioner DeJesus asked about the budget in regards to equipment for the officers. Chief Fong explained that the budget is broken down so that salaries are looked at for sworn and non sworn and there are certain equipment goals that are set by the budget office. There are a number of categories and information will be provided to the Commission prior to the meeting.

Commissioner DeJesus would like to meets with Captain Cashman to go over some of the stats presented to the Commission.

PUBLIC COMMENT
None

Motion by Commissioner Veronese, second by Commissioner Marshall to adjourn the meeting. Approved 6-0.

Thereafter, the meeting was adjourned at 6:33 p.m.

_____
Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

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2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Budget update

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3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

4. Presentation of Quarterly Report - Provision of Documents to the Office of Citizen Complaints (July - September 2005) (DISCUSSION ONLY)

5. Approval of minutes for the meetings of September 21, 2005 and January 25, 2006 (ACTION ITEM)

6. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Sergeant Ricardo L. Galande (File No. C06-018SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

   b. Assignment of disciplinary charges filed against Officer Jerry L. King (File No. C06-019SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

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SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

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FEBRUARY 8, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

PUBLIC COMMENT

Daniel Paez commented on Chronicle articles.

Maurice Campbell, Idriss Stelley Foundation, spoke for Meesha Irizary, discussed concerns regarding community policing and community relations.

Donald Barsone discussed concerns regarding community policing.

Unidentified discussed Mission SROs and requested for security in every SROs in San Francisco.

Ace Washington discussed concerns regarding his press pass.

Eddie Alvarez, outer Richmond resident, discussed concerns regarding intimidation by police.

Mark Schlosberg, ACLU, discussed issues raised by the Chronicle series and stated that the early warning system needs to be focused on and a date certain be set.

Malaika Parker, Bay Area Police Watch, discussed concerns regarding the early warning system.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Budget update

Chief Fong showed a short DVD showing the ceremony of Officer Barry Parker receiving the Governor's Medal of Valor award. The Chief commended Officer Parker and the members of the Department who, on a daily basis, put their lives on the line to protect the people of this City.

Commissioner Sparks stated that she had met with Captain Lynch and Sergeant Wilson yesterday and have asked them, rather than present exact dollar amounts which they did not have yet, to present concepts and philosophies in policies that the Department want to present to the Mayor's office, to the City and to the Commission that they would like to implement in next year's budget. So the numbers, if presented, would be round numbers, they would be estimates but hopefully the Commission will see and comment on are the policies and the direction the Department wants to take.

Captain Lynch and Sergeant Wilson, Fiscal Division, gave a brief overview of the budget. Captain Lynch presented preliminary data regarding the Department's proposed fiscal year 2006/2007 budget for further direction and approval for submission to the Controller and to the Mayor's Office.

The following is the transcript of Captain Lynch's presentation:

"Good evening President Renne, Vice President Sparks, members of the Police Commission, Command Staff and members of the Community. I am Captain Jim Lynch, commanding officer of the Fiscal Division. Tonight I would like to present you with an update regarding the current status of the FY 05-06 Budget for the Police Department. I would also like to present preliminary data regarding the Department's proposed FY06-07 budget for further direction and approval for submission to the Controller and the Mayor's office.

Fiscal Year 2005 / 2006 OVERVIEW

The Fiscal Division has been working with the Controller's Office and the Mayor's budget office throughout the current fiscal year. As was pointed out at previous presentations, it has been the goal of the department to have a budget that is reflective of its needs, consistent with the policy direction of the Commission.

Initial steps were implemented in the development of the current budget to correct past structural deficiencies. The Department re-cast its budget from 17 programs to 6 in order to be more reflective of the department's organizational structure and to be more consistent with the City's SFSTAT and the department's soon to be implemented COMPSTAT management systems. Discussions have been on-going to re-allocate all funding within the Department's budget in order to improve the management of fiscal resources. Historically certain expenditures have been charged to non-department funds at the end of the fiscal year. This results in a balanced budget. However, throughout the fiscal year the department may be perceived as overspending in certain areas. As stated earlier, these initial steps have been implemented, however continued modification of the existing structure is needed in order to make the Department's budget "whole".

Initial review of the department's current year spending plan indicated that the department may be significantly under-funded in certain categories such as permanent uniform salaries, overtime and premium pay. The Controller's 6-month budget status report was submitted to the Board and the Mayor on February 3, 2006. This report projects that the department will exceed it budget by approximately $7.13M. The Department estimates that this projection will exceed $8M.

Some of this deficit can be attributed to under-funding. However, the key indicator in this spending pattern relates to staffing and the department's ability to deploy resources to meet its community service needs. As a result of this situation the department has authorized overtime to pro-actively address an upsurge in violent crime and unanticipated events requiring department resources. The department has authorized the expenditure of over $3M in overtime since November through the end of the fiscal year in order to deploy specialized resources to combat violent crime in various communities throughout the City[1]. During the first half of this fiscal year the department provided additional resources to provide crowd management of unplanned anti-war demonstrations. The terrorist attacks on the London subway system resulted in the department expending approximately $500K in unanticipated overtime to address enhanced Orange Alert security measures at the various transit facilities throughout the City. 2006 will mark the centennial of the 1906 Earthquake and Fire. Several unbudgeted civic events will result in a projected overtime expenditure of approximately $900K.

As a result of this situation the department is requesting authorization to submit a supplemental appropriation request through the Board of Supervisors in the amount of approximately $8.7M

FY 06/07 Budget:
The department is committed to correcting the structural defects highlighted by our current need for supplemental appropriation. The Department has hired temporary analysts from the Controller's office. These analysts are in the process of auditing all funds and index codes within the department. They will then verify that each employee PAR (Personnel Activity Report) is being charged to the appropriate index code and fund. This should result in a true accounting of personnel charges within the department. As a result of this

process, it is anticipated that errors can be corrected and the department's budget structure can be modified to better reflect actual expenditures and revenues.

The department's current budget is approximately $342M. The baseline budget for FY 06/07 is approximately $352M. This increase of approximately 3% is attributed to the annualization of all positions currently in the budget as well as projected fringe and COLA adjustments.

In order to meet the changing needs of the community we serve and to address policy enhancements, the department is proposing increased funding in the FY 06/07 budget. These increases are designed to improve various performance standards that can be summarized as:

- § Appropriate Staffing;
- § Improved Technology
- § Violence Reduction;
- § Functional Facilities; and
- § Enhanced Accountability and Quality Control.

Staffing:

In order to address the current shortage of personnel and projected retirements, the department is proposing that the FY06/07 budget includes funding to hire 250 new police officers. It is our goal to add 600 to 700 officers over the next 3 years. During FY 06/07 the department is proposing 5 academy classes with 50 recruits in each class. The estimated FY 06/07 cost impact will be approximately $12.5M.

All civilianized positions are currently annualized in the FY 06/07 Phase C budget and the department will dedicate resources to expedite the hiring of positions that will release officers from non-essential functions to patrol duties, thus improving our ability to provide quality law enforcement services to the community. In order to mitigate the impact of the department's current shortfall, the hiring of civilians has been largely delayed into the FY 06/07 budget. However, the 05/06 supplemental appropriation request includes approximately $287K to hire 30 non-sworn positions that will have a direct impact upon re-deploying sworn members to patrol duties, enhancing the department's ability to hire new officers, improve data collection and analysis, or improve forensic capabilities. Additional civilian positions will be discussed later in my presentation.

It is anticipated that the department will receive approximately $15M in grant funding to provide enhanced community policing services. Technology
The department's current information technology is stuck in the previous century. Most of the department's computer platform is based on a "Windows95" operating system and e-mail is basically non-existent for most members. This situation has had a negative impact on our ability to effectively automate data collection, or to communicate with other law enforcement agencies and the community we serve. This situation must improve and is considered "mission critical." Therefore the department is including $200K in the FY 05/06 Supplemental Request for an independent evaluation of the current system and development of a strategic plan to correct this situation. This plan will include hardware and software evaluation as well as recommendations regarding the staffing and management of an effective information technology program. Implementation of these recommendations will ensure that the Records Management System (RMS) is professionally deployed to significantly improve the department's efficiency and effectiveness. Additionally, the department is requesting enhancements in our patrol vehicles that include in-car cameras and "in-field" access to the Cal-Photo system. The department is projecting a cost of approximately $5M to implement these proposals.

Community Policing and Violence Reduction

A primary goal of the department is to enhance its community policing philosophy and to reduce violent crime. In the current fiscal year the department anticipates spending over $3M in the deployment of enhanced resources to successfully combat a rise in homicides and violence. As part of the FY 06/07 budget the department is proposing that specific resources be funded to enhance these preliminary measures. These include:

- The hiring of analysts to evaluate crime data for personnel deployment, evaluation of district boundaries and to support the City's SFSTAT and the department's Compstat management systems;
- Continued enhancement of equipment and personnel in the crime lab to improve case solvability and support successful prosecution. This budget proposes the hiring of additional criminalists in that unit;
- Significantly increasing the size of the Department's "Specialist" (20) and "Honda" units (10);
- Purchase of high-level body armor for members of the Gang Task Force, Narcotics and other high-risk units (Approx. $36K).
- Continued funding for the "Leads on Line" system as an enhanced investigative tool.

Facility Needs

Similar to our information technology component, some of our critical centralized facilities are in need of replacement. The budget projection for FY 06/07 includes approximately $13M in preliminary capital funding requests to address these needs. It is anticipated that, at a minimum, the following sites must be re-located in structurally sound and well-designed buildings:

- The various police bureaus and units, which are currently housed in the Hall of Justice;
- Crime lab relocation to a permanent site, based on the anticipated redevelopment of the current location;
- Modification of the current training facility; and
- Identification and development of a new district station to better serve the current Southern police district.

In addition to the building or modification of these facilities, funding must be provided to address long-delayed maintenance needs (DPW W/O: $2.7M).

Accountability and Quality Control Improvements

In order to maintain credibility with the community we serve, we must remain accountable to our mission and policies. Effective monitoring of performance is critical. This budget has built in funding in the amount of approximately $745K to improve the department's ability to analyze and manage policy compliance. Funding has been proposed to significantly improve the department's ability to manage this key organizational component. Examples include:

- Development of an automated Early Intervention System which will improve the collection and tracking of key performance measurement data (ie: SP, DABOR, etc.), automatically "red flag" pattern deficiencies and improve the ability of supervisors to access this information and take appropriate steps to address problematic behavior in a timely manner;
- Adding analyst positions (CS1805?) to evaluate the data;
- Institute a Staff Inspections Unit with appropriate resources to ensure compliance with established policies and procedures; and
- Expand the department's training program to include personnel management, risk management, legal liability and cultural competency training.

In conclusion, it is anticipated that the adoption of this budget proposal will improve the department's ability to provide:

§ Appropriate Staffing;
§ Improved Technology
§ Violence Reduction;
§ Functional Facilities; and
§ Enhanced Accountability and Quality Control.

This concludes my presentation and myself, sergeant Rowena Wilson of the Fiscal Division and other members of the Department are available to address any questions or comments you may have."

Commissioner DeJesus asked about budget for the early warning system. Captain Lynch stated that currently, that budget is built in to the proposal for next fiscal year.

Commissioner DeJesus asked about equipment to implement the early warning system now. Captain Lynch explained that part of the funding in the supplemental is the whole area of I.T. evaluation in order to determine what equipment is needed in the records management system and some of that equipment may be used in the development of the software and hardware components.

Commissioner Campos asked about the time line by which the final budget will come before the Commission before it goes to the Controller. Captain Lynch stated that on Tuesday, February 21st, most of the computer entry and budget forms are to be submitted to the Controller. On March 1st, certain documents need to be turned in to the Mayor's Office and from that point on it moves from a Department's budget into a Mayor's Office development budget and the Department would be working with the Controller's Office and the Mayor's Office and the various offices to develop what finally becomes the Mayor's budget presentation to the Board.

Commissioner Campos asked about when the public can comment on the budget. Captain Lynch stated that tonight's presentation is an initial presentation to the Commission and an opportunity to hear public comment.

Commissioner Sparks stated that next week, on the 15th, it will be on the agenda for a more detail presentation and hopefully approve the budget for submission to Mayor's Office on the 22nd. So the public would have an opportunity tonight, on the 15th, and on the 22nd and each time it would get more detailed so that there will be an action item on the agenda for the 22nd.

Commissioner DeJesus asked about the supplemental budget for the current fiscal year, is there any money for the early warning system. Captain Lynch stated that there is $200,000 that's been earmarked for evaluation of the information technology system.

Commissioner Sparks talked about funding for the Commission. Commissioner Sparks stated that without funding, the Commission has no ability to perform its mandated tasks under Prop H and meet the expectations that the voters have placed on the Commission as far as true civilian oversight. Commissioner Sparks recommended that the Commission be a separate lined item budget to be set aside for commission staffing and commission costs. Commissioner Sparks asked that the budget, at a minimum, include one police liaison officer currently held by Sgt. Reilly, one existing administrative assistant, one civilian executive director, one new policy analyst, one additional administrative assistant, .2 full time employee hours of a deputy district attorney. Commissioner Sparks stated that if there is dedicated hours from the city attorney in the Commission budget, the capability may be enhanced. Commissioner Sparks also asked for percentage hours of an administrative law judge to be able to assist the Commission in hearing disciplinary cases, .2 FTE or possible some hours of a court stenographer to be

able to transcribe hearing, .1 FTE for a uniformed officer for liaison with patrol specials to report at least part of that time to the Police Commission since the Commission is responsible for oversight of the SF Patrol Specials, and also SFGTV contract and additional supplies.

Commissioner Sparks stated that she will recommend to the Board of Supervisors a percentage of either .5 or 1 percent of the annual San Francisco Police Department budget be allocated to funding the SF Police Commission for effective civilian oversight.

Commissioner Campos agrees with Commissioner Sparks and stated that the Commission cannot do this job without additional resources.

Commissioner Renne asked about retiree OU payouts - MOU reserve. Captain Lynch explained that the MOU with the Police Officers' Association and Department policy now limits the amount of comp time that an employee can earn. Comp time raises a whole issue regarding an impact on the budget. There were members that used to exceed the cap that's in place right now. So if they are not paid now, they provided the service and are paid at the time they retire. Prior to the agreement, anything that's on the books at the time of retirement is paid out of the overtime fund and it is about $1 million per year.

Commissioner Renne asked about one-time payments - MOU reserve. Captain Lynch explained that that would be vested sick time or vacations on the books at the time of retirement.

Commissioner Renne would like to know how many requests for the last several years for money to have technology for the department have been turned down, how much has been sought and how much has been turned down. Commissioner Renne stated that she's trying to determine where the fault lies for the Department to be apparently so far behind in technology as it is.

Commissioner Veronese is asked about the questions posed by Commissioner Renne. Commissioner Veronese asked if Captain Lynch was saying that each officer has to work up to a certain amount of time and once they reached that amount of time they can't work for pay after that amount of time and so what is done is that time is logged in and then they are paid when they retire. Captain Lynch stated is that comp time can only be earned up to a certain level. Any time worked beyond that, the officer have to receive payment for. Up to 480 hours, comp time is on the books but on the 481st hour, if asked to worked overtime, the officer has to be paid.

Commissioner Veronese asked about the early warning system technology. Captain Lynch stated that money has been set aside but would defer the question to Captain Keohane or Lt. Gitmed.

Commissioner Sparks asked about civilianization. Captain Lynch stated that there was a total of 72 positions that were identified within the civilianization process. Funding was put in place for phase one. During the budget process, funding for those positions was reduced. As it went through the fiscal year, there were various budget issues that hit the City and hit the Department, basically the failures of Props J & K forcing the Department to back off on hiring those initial positions until the following fiscal year. The Department added additional positions in the current budget so there is certain amount of positions at .5 in the budget and a certain amount they were backed to the last month of June in order to deal with the failures of those two propositions. Out of all the positions that have been civilianized, four have been hired. That resulted in two officers returning to the street. Ten officers have been returned to the street without replacement. In the supplemental, the 30 that are proposed to hire, 21 of those positions are within either phase of the civilianization. Assuming the supplemental passes within this fiscal year 25

positions out of the total civilianization total and all those positions are in the phase C budget.

Commissioner Sparks asked the Chief why civilianization and putting 72 officers back on the street have not been prioritized. Chief Fong explained that as a result of Prop C, there is a mandate by which the Department meets with the Controller's Office and with the POA during each budget cycle. With the first cycle, the positions that were put in there were contingent upon passage of two propositions for funding and because those propositions did not pass, civilianization effort was pushed back into the next fiscal year. The other area is a conversation between the Controller and the Chief must occur and there has to be an agreement that for each person civilianized, the Department reduce one person from the 1971 minimum staffing level that was set up in 1994 through Proposition D. Chief Fong stated that she has been reluctant to agree to any reduction of staffing of full duty officers because it is one thing when you're at the amount of 1971 or over it but when the Department is 250 below it, the Chief stated that she has not been willing to decrease the level of minimum staffing because of Proposition C.

Chief Fong talked about the Early Warning System and introduced Captain Keohane to update the Commission on what is being done with the Early Warning System and that hopefully a system will be in place by the end of this year.

Captain Keohane stated that the Department does not have the new early intervention system in place at this time but efforts have been taken to improve accountability in the mean time. Captain Keohane stated that the Department has modified DGO 3.19 where complaints against individuals are received at the district stations within a week. When an officer reaches three complaints within six months or four complaints within a year, it is brought to the attention of his supervisors immediately rather than waiting up to 18 months.

Captain Keohane also explained the tracking of use of force. He stated that the Department does not have a database. He stated that the complaints are in microsoft tables and the Department has combined all those tables from the last five years and can now determine how many use of force an officer has. In the past, on the quarterly reports that are sent out to the District Station Captains, it mentions if an officer was on the use of force report for that quarter. Now, not only the use of force reports mentioning if that officer was on the report for that quarter is sent but also how many times the officer was on the report within the last five years. These are situations that was observed by the Department have been rectified without additional funding.

Captain Keohane also explained that discussion are on-going and that not everybody is satisfied with the indicators and the factors that have been put forth. Captain Keohane stated that he will continue to meet and discuss with all stakeholders, whether it be the ACLU, the OCC, the POA, and when a policy is presented to the Commission, he assures the Commission that it will be a Department's policy backed by Chief Fong.

Captain Keohane also stated that the Department has identified a structure on how this will fit into the Department. He stated that Captain Lynch has stated that Chief Fong, in her budget that she will present to the Commission, is asking for $745,000 to increase the accountability for the Department. The Department is not only asking for monies through the budget process, the Department is also working to identify possible grants that will put the Department ahead of the curve.

Captain Keohane stated that the Department has began applying or identifying what weights for the different indicators will be applied and stated

the Department will not move backwards. He stated that as far as the early warning system, the Department right now has three citizen complaints within a six-month period or four complaints within a year that will reach a threshold. Those will remain in place. If there is three use of force within a quarter, that will also remain in place but there are going to be more indicators. Captain Keohane stated that they are looking into weights and what would be the point value for an officer to reach his threshold.

Captain Keohane also stated that committees are being formed. Some of the committees are the legal committee, technology committee, training committee, intervention committee so that the Department can identify which interventions will be able to incorporate into the order so that members will have the best possible training in order to move forward in their careers. Reporting committee and logistics are being formed.

Captain Keohane stated that the Department is moving forward and in schedule. It's a very aggressive schedule but the Department is committed and with the Commission's help and with the help of the budget, Captain Keohane stated that he believes goals will be met.

Commissioner DeJesus stated that the early warning has been on the table of many years now and stated that she thinks the end of the year is a little bit late just to have the draft. Captain Keohane explained that the Department is moving forward and the Department is sending a number of individuals to Phoenix during the week of March 20th for an early intervention conference. It will be attended by the major players in the field and he hopes that the Department will pick up even more ideas there. Captain Keohane stated that he would like to schedule to give the Commission a draft proposal for the first week of April and present it to the Commission then.

Commissioner DeJesus asked about the technology and the supplemental report that has $200,000 for I.T. and is there anything in there that will start the evaluation of the technology needed for the early warning system. Captain Keohane stated that he is not sure about that exact line item.

Commissioner DeJesus asked if the DGO will include automatic triggers. Captain Keohane explained that it will come into the early intervention system but all complaints logged with the OCC will be in the system. It will not go to the OCC because this is a non disciplinary track to move forward before discipline becomes an issue.

Commissioner Campos stated that the concern that he has is that make sure that the public understands that this Department and this Commission are serious about this and he stated that he is worried about that the Chronicle is able to do in a matter of months what the Department has been trying to do for a number of years and why is it going to take until the end of the year to develop this. Captain Keohane stated that it is inaccurate that the Chronicle is able to do something that the Department has taken years to do. He stated that he does not know what the Chronicle has but from what he read from the papers, they have a flat database which is able to tell how many use of force officers have acquired since 1996. The Department now has the microsoft tables where the Department can do search and so on and will give how many times an officer has use of force within five years. Those measures have been taken and implemented those in notifying commanding officers. Captain Keohane explained that the Department is not talking about a stand-alone computer that would have a clerk on an officer sitting at entering data and being able to pull it out. The early intervention system is a complex network which will be accessed not only by a stand-alone computer but by those individuals that have the necessity to access that person's performance. The Department will also have the ability to put in the indicators on a realtime basis. If the person gets a complaint, the next day his supervisor will know

about it. If the person is involved in an accident, the next day his supervisor will be aware of it. Captain Keohane explained that the early intervention system is a very complex, technology-driven system. Many agencies have spent millions of dollars developing them and due to poor planning, they keep going into their overruns.

Commissioner Campos asked how the Department decides which officers will be selected to train new officers specifically how an officer that may be on a list where there are possible concerns about the use of force by that officer, how that officer then becomes a trainer for rookie officers coming into the department. Commissioner Campos stated that he understands if the answer cannot be given tonight but this is something that he is very interested in.

Commissioner Veronese asked who is running this program and how many police officers in the last quarter have been identified as having a potential issue from the early warning system that is currently in place. Captain Keohane stated he does not have that information with him tonight and explained that when he say microsoft word table. He explained that in microsoft word one has an ability to create tables which is a lower form of an excel spreadsheet but you can make tables and certain sort functions through that and that is being staffed at the Management Control Division. Captain Keohane explained that the early warning system is mandated by the General Orders only tracks citizen complaints. The use of force are tracked by the Department without any mandate. It's an area where the Department feels can benefit from by tracking these. Captain Keohane also explained that just because an officer appears on the use of force notification, it does not mean that officer did anything wrong. All it says is the officer used force and it's a reason for supervisors to take a look and see if that force was appropriate.

Commissioner Veronese stated that he has given a packet to the Chief that has proposed general orders one of which deals with the early warning system. He asked Captain Keohane to take a look at it.

Commissioner Sparks asked about the microsoft tables. Captain Keohane stated that he has not presented a full report to the Commission on this. Commissioner Sparks asked for a summary report so that the Commission can look at the use of force logs just to get an idea of what they are and how the department is doing it. Commissioner Sparks asked to see the tables. Captain Keohane explained that the tables are collected and they are looked at and if the officer has met the criteria of using force or applying force during an arrest for three or more times within the quarter, a letter is provided through the chain of command to the member's commanding officer stating that this officer has used force on three occasions so that the commanding officer can give the report to the member's direct supervisor and the supervisor will go over the use of force with the officer and see if they are appropriate and to see if the force was used, where there other means that could have been employed where force may not have to be used.

Commissioner Sparks asked if it is possible for the Commission to be provided with a summary of how many officers have appeared on this over X period of time, how many officers have appeared 10 times, 8 times which is a similar type of analysis that the Chronicle provided.

Commissioner Sparks asked the Chief if she has requested whether or not the Chronicle will be willing to share their details and their research with the Department so that the Department can evaluate the information. Chief Fong stated that through various conversations with the Chronicle over the past several months, she has asked for materials in that when a question is posed comparing San Francisco to other data, in order to answer the question intelligently, the Department would like to see what the source data is so that

the Department can look at the comparison and potentially come up with some conclusion, whether the same or different conclusion. Chief Fong stated that on multiple occasions, the answer has been "No, we will not give you that data. It's your data." When in fact much of the comparative data has not been the Department's data. Chief Fong explained that because of the inaccuracies that has been found, the Department has taken the time to contact the other agencies to speak with them about the data that was requested and what was provided. The Chief stated that she will make another request to the Chronicle for that data but there have been multiple requests, not only from her but from other members of the public affair staff or Captain Keohane.

Commissioner Sparks stated that this is a very serious allegation that the Chronicle is making and she stated that the Department should have the opportunity to address these charges. Chief Fong stated that the allegations that are made, in some cases, are based on various comparisons. In San Francisco, the Department documents any use of force in which any physical contact is made with an individual and that individual complains of pain all the way up to and including the use of a firearm. Some agencies do not document that. Some agencies document from pepper spray to the use of a firearm. So, again, it is very important to emphasize that the documentation of use of force does not imply misconduct. It does not imply inappropriate behavior. It simply documents that an officer found it necessary to use force in the commission of his/her duty and officers apply force based upon what situation they have to handle and also to stop any force or action against them that interferes with them being able to handle their activities.

Chief Fong also stated that the other thing that's important is that the Department have found is some of the reports, the Department does not understand exactly what the Chronicle is labeling certain types of incidents. The numbers don't match what the Department can come up with. The Department have found a number of inaccuracies and these are things that the Department is very concerned about. Chief Fong stated that the Department is taking the time because any allegations about officer misconduct are very very serious and when put in the public forum when they are not true is unacceptable and the members of this Department do not deserve to be put in that light when there is no merit to those accusations.

Commissioner Sparks asked that this discussion be on the agenda for next week's meeting.

Commissioner Renne stated that there are a number of things that she will put on the agenda in regards to the articles.

Commissioner Marshall stated that out of these articles there will be a better Department.

PUBLIC COMMENT

Elizabeth Citron, ACLU, stated that she is very impressed with the budget and stated that matters concerning discipline in the department deserves the same level of attention and timeliness that the budget has.

Mark Schlosberg, ACLU, thanked the Commission for bringing forward proposals that are very important. He stated that setting deadlines are very important.

Ace Washington suggesting a budget item for community policing.

Donald Barisone discussed concerns regarding the budget.

Matt Leroy thanked the Commission for comments and concerns raised about the early warning system and concerns about the Chronicle articles.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen wanted to comment on his meeting at the SRO collaborative. He stated that the SRO collaborative is specifically concerned with landlords allowing police into their rooms. Director Allen stated that he wants to meet with Chief Fong and meet with the individuals from the SRO collaborative to talk about this issue and maybe even talk with people from the rent board. Director Allen stated that once he has more information he would like to talk about that to the Commission.

Director Allen also talked about the Latino Steering Committee to discuss community policing and putting a Spanish-speaking investigator in the community several times a month so that people will be able to come to a central location. One of the location talked about is the LaRaza el Centro which is an office that brings in people to discuss different issues. Director Allen stated that he will be addressing the issue of translator and getting the translator DGO back in front of the Commission. Director Allen also talked about the different OCC allegations.

Commissioner Sparks asked about the outreach plan. Director Allen stated that he is looking at the budget and he will be able to see how much money they have and look back on how much to produce flyers and bulletins and they will put together a comprehensive plan for the Commission.

Commissioner Sparks asked for a conceptual budget to the Commission before it goes before the Mayor and the Controller's Office. Commissioner Sparks asked Director Allen to look at the budget and ask what is really needed to get the backlog down, to schedule hearings as rapidly as possible, to get investigations instituted as quickly as possible rather than waiting weeks and months to interview the officers, and to look at the budget and see what the OCC really wants. Director Allen stated he will have that for next week.

Commissioner Campos thanked Director Allen for meeting with the SRO groups. Commissioner Campos urged Director Allen to discuss the budget next week and asked Director Allen to talk about technology budget with respect to OCC.

Commissioner Veronese asked about the OCC allegations. Director Allen stated ND is neglect of duty. Commissioner Veronese asked Director Allen to look at the DGO revisions in regards to OCC Charging Codes/EWS.

PUBLIC COMMENT

Alan White discussed complaints regarding denial of constitutional rights brought forth during a rent board meeting.

Steve Johnson, POA, discussed concerns regarding OCC investigations.

PRESENTATION OF QUARTERLY REPORT - PROVISION OF DOCUMENTS TO THE OFFICE OF CITIZEN COMPLAINTS (JULY - SEPTEMBER 2005)

Lieutenant Groshong, Legal Division, presented the quarterly report, provisions of documents to the OCC (July - September 2005).

Commissioner Sparks asked about OCC's access to CLETS. Chief Fong stated that the Department of Justice CLETS policy has very clear guidelines and the county is the entity that is responsible for authorizing access and Chief Fong stated that she has provided various alternatives in terms of Director Allen potentially trying to go through the DMV or trying to figure out if CLETS has some other alternatives but at the current time, she has not authorized access to it.

PUBLIC COMMENT

None

APPROVAL OF MINUTES FOR THE MEETINGS OF SEPTEMBER 21, 2005 AND JANUARY 25, 2006

Motion by Commissioner Marshall, second by Commissioner Sparks to approve the minutes. Approved 4-0.

COMMISSION ANNOUNCEMENTS

a. **Assignment of disciplinary charges filed against Sergeant Ricardo L. Galande (File No. C06-018 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**

b. **Assignment of disciplinary charges filed against Officer Jerry L. King (File No. C06-019 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**

RESOLUTION NO. 8-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT RICARDO L. GALANDE (FILE NO. C06-018 SL)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Sergeant Ricardo L. Galande, Star No. 1660, Airport, was called it having been set for this date; and

WHEREAS, Commissioner David Campos is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Ricardo L. Galande; therefore be it

RESOLVED, that Commissioner Campos is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Ricardo L. Galande, and is to be set at a later date.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall,, Veronese

RESOLUTION NO. 9-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER JERRY L. KING (FILE NO. C06-019 SL)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Jerry L. King, Star No. 810, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Petra DeJesus is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Jerry L. King; therefore be it

RESOLVED, that Commissioner Petra DeJesus is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Jerry L. King, and is to be set at a later date.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall,, Veronese

Sergeant Reilly announced that the district meeting will be on February 22nd, at 6:00 p.m., in the Northern District, at Rosa Parks Elementary.1501 O'Farrell Street.

Commissioner Renne announced that Commissioner Chan has resigned and stated on behalf of the entire Commission that they are really sorry that he has resigned and wished him well in his future endeavor.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Renne stated that the budget will be on next week.

Commissioner Sparks would like a presentation about Patrol Specials by the Department and would like to hear from the Sergeant who is liaison to the Patrol Specials and the head of the Patrol Special Officers Association and that she would like regular presentations to the Commission about the Patrol Specials from the Sergeant and the head of the patrol specials.

Commissioner DeJesus would like a schedule in terms of the early warning system's implementation.

Commissioner Veronese stated he handed out packets that has 11 different general order revisions/additions that he will be suggesting the Commission to take a look at.

Commissioner Marshall would like about the witness relocation program.

Commissioner Campos would like to discuss the interaction of the police department with the immigrant communities of San Francisco and specifically undocumented people in San Francisco.

Motion by Commissioner Campos, second by Commissioner Marshall to adjourn the meeting. Approved 6-0.

Thereafter, the meeting was adjourned at 8:38 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 15, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Budget update
   c. Use of force issues

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3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Budget update
   c. Use of force issues

4. Discussion and action regarding budget for the Police Commission (ACTION ITEM)

5. Approval of minutes for the meeting February 1, 2006 (ACTION ITEM)

6. Commission Announcements (DISCUSSION ONLY)
   a. Notice of reassignment of pending disciplinary cases: (ACTION ITEM)

      Officer Jerry L. King (File No. C06-019SL)
      Officer Steven Maionch (File No. DRA D05-029 *Appeal*)

      Officer James A. O'Malley (File No. C05-056 SL)
      Officer Timothy D. Paine (File No. C05-057 SL)
      Officer Ferdinand Dimapasoc (File No. C05-058 SL)
      Officer Owen J. Sweeney III (File No. C05-059 SL)

      Sergeant Gregory Breslin (File No. C02-256 SCM)
      Sergeant Michael Moran (File No. C02-257 SCM)
      Inspector James Zerga (File No. C02-259 SCM)
      Inspector Peter Siragusa (File No. C02-258 SCM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 15, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Northern District, Rosa Parks Elementary School, 1501 O'Farrell Street, San Francisco, at 6:00 p.m., on Wednesday, February 22, 2006, to hear comments from the public and Mission Station Captain Kevin Dillon concerning public protections issues in the Northern District.

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

FEBRUARY 15, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:44 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

Commissioner Renne arrived at 6:07 p.m., and Commissioner Marshall arrived at 5:51 p.m.

PUBLIC COMMENT

Unidentified discussed concerns regarding denial of press pass for Ace Washington. She discussed community policing and asked for pay increase and better training for officers.

Unidentified discussed concerns regarding SROs and invasion by police.

Francisco DeCosta, Director of Environmental Justice Advocacy, talked about community policing and quality of life issues.

Lorraine Altamirano discussed concerns regarding the Sheila Detoy case and the reassignment of the case.

Patricia Tulloch, client advocate to police abuse victims, discussed concerns regarding Commissioner DeJesus having a family member in the Department.

Ace Washington discussed concerns regarding denial of his press pass and the transfer of Lieutenant Johnson.

Barbara Gross discussed concerns regarding picture on the Chronicle regarding Officer Nelson and asked that case against Officer Nelson be reopened.

Matt Leroy discussed concerns regarding three-minute time limit and asked that time limit be removed or extended to 10 minutes per person.

Marion Jackson spoke on behalf of the African American Community Relations Police Board and discussed concerns regarding the transfer of Lt. Con Johnson.

Steve Johnson, POA, discussed concerns regarding Commissioner Veronese's DGO recommendations and stated that most of them are illegal.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Budget update
c. Use of force issues

Chief Fong stated that there will be a presentation on the budget. There will also be presentations by Captain Keohane and Sergeant Dennis Quinn in regards to use of force.

Commissioner Sparks stated that the Commission has just received information on the budget and asked the City Attorney about the process before it goes to the Mayor without the approval of the Commission. Deputy City Attorney Molly Stump stated that the Commission at some point, as early in this process as possible, schedule the budget for a vote and take a vote on the budget. If there is communication between the Department and the budget personnel in the Mayor's Office before that, she doesn't think that violates any city rules but she stated that the Commission should take a vote on the budget at some point.

Captain James Lynch, Fiscal Division, presented an update regarding the development of the fiscal year 2006/2007 budget for the Police Department. He presented to the Commission a one-page overview of the

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2006/2007 preliminary budget.

Commissioner Renne asked whether the supplemental will be introduced at the Board of Supervisors next Tuesday or is it being heard next Tuesday. Captain Lynch stated that it was introduced yesterday and will be heard next week.

Commissioner Sparks asked if it was the $8.2 million supplemental or the $16 million plus supplemental that the Mayor's Office released the following day. Captain Lynch stated that it would be pretty consistent with the document that was given to the Commission last week. There may be some modifications from that to what was actually submitted to the Board. Captain Lynch stated that it was the Department's understanding that the impact of the Department's budget would be an appropriation of approximately .5 million.

Commissioner Renne commented that for the amount of $397 million, this the sparsest detail she has ever seen of a budget. Captain Lynch commented that it was the intent of the Department, consistent with last week's presentation, that this meeting would be more for a public comment and further direction from the Commission regarding how to build the budget.

Commissioner Renne asked, in regards to civilian personnel, if they are new positions or positions already in the budget that are going to be civilianized. Captain Lynch explained that under the title civilian personnel the only ones that would actually be on the budget are the 30 civilian for fiscal year 05/06 annualized. There are 21 of those that are part of the civilianization, the total 72 that's in the budget is in that total number of $352 million. The supplemental is asking for appropriation because the Department has been frozen as far as hiring bodies, so the Department is asking appropriation from the Board to allow the Department to hire 21 positions from that civilianization pool plus an additional nine that are not part of the civilianization.

Commissioner Renne asked about two attorneys, 8177 positions. Captain Lynch stated that one of the positions is part of a work order agreement with the District Attorney's Office so funds are transferred from the narcotic fund to the District Attorney's Office and the Department pays for that position. The Department is exploring putting position in the department and paying for that position not through a work order with the District Attorney but directly from Department funds. The Department needs the position in the annual salary ordinance in order to be able to hire a body against that position.

Commissioner Campos commented on the lack of detail that is presented to the Commission and asked if there is a budget book that outlines how many of the items are broken down. Captain Lynch explained that it is the Department's intent to have a supporting document for every number that is on the budget overview. Captain Lynch also stated that there are numerous budget forms that have to be completed which have not been completed as to date because, from a historical perspective, this presentation that is made tonight normally wouldn't be heard until late April or May and by that time the budget preparation entry would have been done to the Controller's and to the Mayor's Office and the Department would have provided the Commission with the documentation that would have been provided to both those offices generally around March 1st. The problem is that the Department has a work in progress and it was not the intent of the Department to bring this as a final document and Captain Lynch apologized. Captain Lynch stated that the intent was to work collaboratively with the Commission, with the Controller's Office, with the Mayor's Office to present a budget proposal that the Commission was happy and that the Department feels would meet their needs.

Commissioner Veronese stated that he shares the same frustrations as the other Commissioners. Commissioner Veronese stated that the budget is

going in front of the Board of Supervisors next week and this Commission will not have an opportunity nor will the public will have an opportunity to vote on a $397 million budget and stated that this is inexcusable.

Commissioner Renne clarified that what is going before the Board is a supplemental not this. This $397 million figure is the budget that's going to the Mayor's Office and the Controller and that's when the date of the 21st comes in. Commissioner Renne also stated that Commissioner Sparks has been the liaison for the Commission and she has been included in some of the discussions.

Commissioner Veronese asked why isn't the civilianization done first so the officers that have been trained out to the streets so that the Department is not behind nine months in what it would take to train those officers. Captain Lynch responded stated it is due to multiple issues. First is that the funding was backed out of the budget over the last two fiscal years for those positions in order for the City to balance the budget. The Department needs approval in order for requisitions to be approved to hire bodies that requires approval of the Controller and the Mayor's Office. At this point, based on where the budget is, there is a freeze on hiring of additional personnel even though they are in the budget and that's why the Department is asking for a supplemental for approval and funding to hire 21 positions. Captain Lynch stated that the Department is committed to hire as many as it possibly can under civilianization. The $352 million includes all 72 positions that were identified as part of civilianization. It is the Department's intent to hire all those positions plus what is listed here and try to release as many officers as possible.

Commissioner Veronese asked if the department could have as much as 300 new police officers by the end of the year. Captain Lynch explained that the Department could hire the 250 but there are other factors that come in related to attrition. There are people coming in but there are people going out. There are people that don't pass the program either at the training academy or at the FTO level so the actual impact of new personnel that come in, for 250, could actually result in approximately 100 new positions or additional positions.

Commissioner DeJesus asked if when the budget is present to the Mayor, are documentation behind it included. Captain Lynch explained that there are multiple forms that have to be completed. Some forms have a deadline to the Controller's Office on the 21st, others have a deadline to the Mayor's Office and the Controller's Office on March 1st. It will be roughly an inch worth of documents that will be coming. A presentation to the Board of the actual budget is actually presented by the Mayor in late May and then it goes to the Board and Department's have to respond to the Board regarding their recommendations during the month of June.

Commissioner DeJesus would like a special meeting on the 20th to have the proper documentation before it gets to the Controller's.

Commissioner Renne stated that she use to be the Chair of the Finance Committee and she knows how many pages there are and that's not what the Commission wants. What the Commission wants are the changes that the Department wants to see in this year's budget that is going to make a difference to the Department and to the goals of the Department. For example, what kind of technology changes are being planned; how many computer are going to be given so that homicide and investigators have computers. When the Department is talking about new or different personnel, what are those discreet changes that will impact how the Department is operating.

Commissioner Sparks asked about the overtime increase. Captain Lynch stated 10.5 million. Commissioner Sparks stated that five percent of the

total budget would roughly be overtime. Captain Lynch explained that traditionally the Department is not budgeted overtime. The current fiscal year has approximately $10.5 million for overtime. The expenditure in the previous fiscal year exceeded the budget by roughly $2 million so the logic was to reduce the overtime by $2 million knowing that the Department has over expended by $2 million. This year there were unanticipated events and spike in violence. The Department has deployed resources to address that.

Commissioner Sparks would like more concepts and vision of where the Department want to go rather than six inches of detail. Commissioner Sparks suggested that rather than worry about the detail, that the Commission receives a narrative from the Captain Lynch, or the Chief, or from the Command Staff as to what does this budget give the Department and what does it give in addition to last year, and where the Department is going with this budget. Commissioner Sparks stated that she doesn't want the budget office to set the priorities for the Department. The budget office needs to set the priorities relative to the overall citywide but the Department needs to set its own priorities and the Commission will fight for it going in.

Commissioner Marshall stated that the Commission should make up their minds in what the Commission wants to do.

Commissioner Campos stated that he doesn't think the Commission should not get into the level of detail but he does think that the Commission should get a lot more details than presented.

Commissioner Veronese stated that the Department should look at the goals set last year and then proposed goals moving forward with the amount of money that is needed.

Commissioner Renne stated that in the presentation tell the Commission what the Department views to be the important and critical issues in this year's budget that need to be focused on by the Commission. Commissioner Renne would like to know what are the priorities of the Department, where are the needs, to what extent does this budget reflect an attempt to solve the needs, to what extent do the budget instructions not allow an addressing of those needs so that would give the Commission an overview of the critical issues. The second question is should the Commission have a special meeting before the 21st and if so when.

Commissioner Sparks stated that documents be available to the public so they can look at it and make comments.

Commissioner Renne suggested that a narrative of the important items be forwarded to the Commission before the March 1st meeting then the Commission will have more time to look at it. She suggested to get the budget to the Controller's office on February 21st and then try to call out the important things with highlights of important parts of the budget for a discussion on March 1st. Captain Lynch stated that the policy memo that will be included with the budget will be provided to the Commission.

Sergeant Dennis Quinn, Force Option Coordinator assigned to the Academy, gave a background on officers' training. Sergeant Quinn explained that he gets the recruits after they finished a 16-hour classroom use of force block. The recruits get an orientation on the Firearms Training System (FATS). FATS is a simulator setup with a large screen and equipment similar to what an officer would carry out on the street. It consists of scenarios where officers are required to make quick decisions on what level of force, if any, is appropriate. The officers are put through a testing process that takes about an hour to an hour and a half. The officers get a total of six interactive video scenarios and two practice for warmups and the next four they are required to

complete and pass. The are required to get an 80 percent to pass. If they don't pass, they are brought back and remediated. Towards the end of academy training, the recruits are also given a day simulating a patrol. They go out on academy property and deal with certain issues. One of those is another FATS scenario where they have to physically become involved in a foot chase, run over a fence, up some stairs, encounter an individual, arrest him, and immediately go into a FATS scenario. The idea is to prepare the officers to get their heart rate up, to simulate stress, and then to allow them to go through the FATS scenario to show that they can actually deal with the stress and successfully pass that course.

With the veteran officers, Sgt. Quinn does the Continuing Professional Training (CPT) which is POST mandate. Every officer, every two years, is required to come up and complete this course.

In addition, individual training is also available. It is an interactive video so they are expected to participate, give commands/warnings, talk to people as you would out on the street. The officers make the decisions to use that particular level of force and then they are asked about it and expected to explain and articulate the decision why they did what they did.

Commissioner Veronese asked what kind of training is used to de-escalate force. Sergeant Quinn stated officers are expected to listen to a review talking about the policy of use of force (DGO 5.01 & 5.02), they talk about case laws, Penal Code 835.A. The idea is that the officers are expected to know the policy and that they are held accountable for it. Officers are expected to be able to transition and to articulate why they did what they did.

Commissioner DeJesus asked how are trainers selected. Sergeant Quinn stated that currently he is the only trainer in the Academy and part time staff of veteran officers that come up on a part time basis. These officers go through an instructor development course within the academy for 40 hours. Once they are asked to become force option trainers, they are sent to an outside course, either San Jose Police Department or West Covina, to receive a 40-hour course to train the trainer. All of them have prior teaching experience.

Commissioner Campos asked, in terms of selecting a trainer, what weight is given to the history of that perspective trainer in terms of the use of force. Sergeant Quinn stated that he is the one that does about 100 percent of the training of the recruits. Most of the trainers, part time people, most of them tend to come up to help Sergeant Quinn with the veteran officers for the continuing professional training. Sergeant Quinn stated that the background in the use of force was never an issue in selecting instructors.

Commissioner Sparks asked when recruits come back after two years for the advance professional training, is there a difference on how they reacted during the academy training as opposed to when they come back after two years in the field. Sergeant Quinn stated that generally speaking, the officers seem to do better because they still have the memory of the academy training and they also have street experience as well. The officers seem to have a little bit more confidence in their decision-making abilities at that point.

Commissioner Sparks asked if there has been any comparison in the response of an officer in the training, particularly after two years, and to any possible use of force complaints that have been filed to see an officer might actually take the test a certain way and then on the field they react a different way. Sergeant Quinn stated that he is not aware of any comparison.

Commissioner Sparks asked if there has been a comparison in the training of use of force with other departments. Sergeant Quinn stated that the SFPD is comparable to a lot of the other departments. Sergeant Quinn stated

the actual system was upgraded almost five years ago. They are constantly applying or getting new scenarios and that he is always looking for ways to upgrade to keep the officers alert and challenged and keep them interested in the training. Sergeant Quinn stated that he would like to see more of the training.

Commissioner Veronese asked if Sgt. Quinn reviews the applications of officers who wants to become trainers at the academy. Sergeant Quinn stated that he only did that once when the Academy was short staffed and the Captain needed people and he had several applicants that had gone through the interview process but that was only one time.

Commissioner Veronese asked about the reasonable officer standard and the reasonable person standard. For example when somebody on the street sees somebody being arrested and they think that officer is being too aggressive, that officer may actually be working within the rules but the reasonable person may think differently. Commissioner Veronese ask how does the department resolved that conflict. Sergeant Quinn stated the OCC process is one way of handling it and the other way is the citizen academy where people do come up on their own time and go through the equivalent of the recruit academy class and learn about what officers do and don't do and all aspects of training as well.

Commissioner Veronese asked if there's any training on dialogue between the person arrested and the officer using the force. Sergeant Quinn stated that part of the training is the interactive aspect where people are expected to talk to people not so much with the aftermath but with how you treat people up to and including use of force at that point. They try to get the officers in a habit of identifying themselves as officers, to talk to people as you want to be talked, and make sure that commands, if they have to be given, are clear, concise, and to the point.

Commissioner Sparks asked about the FTO training process, is there additional training for them on how to teach use of force techniques in the field. Chief Fong explained that yes, they are.

Captain Keohane stated that the Department takes the role of field training officer (FTO) very seriously. Captain Keohane explained that the use of force entry on a log sheet is not a complaint nor is it a sustained complaint. All that is is a documentation of a use of force. To become an FTO, an officer must go through a selection process. Then an he/she receives continuous training and evaluation and for those FTOs that are not meeting the standards of the FTO program, they are removed from the program. The requirements to become an FTO are detailed in DGO 3.13. These were developed with the OCC and have been in effect since 1998. The selection process starts with an application stating that he/she wishes to become an FTO. Automatic disqualifyers to be an FTO is if the officer has any discipline action within the last five years for A or B misconducts. Also, an officer is automatically disqualified for two years if they received a suspension for C or D misconduct. The officer, before selection, the FTO office has to receive positive supervisory reports of that officer. Besides the supervisory recommendations, personnel records are reviewed, the legal history for suits and claims, the department's accident board of review records are checked for accidents, the EEO history is checked, and also complaint histories. The use of force feedback report is not listed in the general order, however, those are part of the personnel record. Once the application is accepted, the officer must go through a selection process. That selection process is comprised of written assessment. The written assessment asks questions regarding the officer's knowledge or how they would apply use of force. The officer must also go through an oral interview where questions are asked regarding use of force, policy and also tough questions regarding ethics in reporting improper behavior of other

officers. Once selected as an FTO, the officer goes to an FTO school consisting of a 40-hour training class which consists of training in the use of force and how to teach recruits the proper application of force. As an FTO, the officer must go through FTO updates every two or three years, and the Department also provides a POST certified use of force experiential class where the officers are trained, not only on the proper applications of force, how to trained the individuals in the use of force and it also covers leadership and ethics.

The FTO Program is the only program in the police department where the department incorporate 360 degree evaluations. The FTO is not only being evaluated by his/her sergeant at the district station level, they are also evaluated by the recruits. The FTOs are also judged by the supervisor's comments. Supervisors come and fill out evaluations where they feel the FTO may not be doing the job properly but they are also mentioned personally to the FTO coordinator. When this comes to the Department's attention, if the FTO cannot be put on the right track, they are removed from the program.

Commissioner Campos asked if having an early warning system affect the process of selecting FTOs. Captain Keohane stated that the entries on the use of force are not indicators of improper behaviors or practices. Captain Keohane stated that you have to look at the context of the use of force, where was the force used, was it proper or reasonable.

Commissioner Campos asked what information would the early warning system give the department that the department does not have today. Captain Keohane stated that would be looked at would be possible sick history or SP abuse and the FTO office would be able to make an assessment, with the help of the EIS system, for a total performance. The package would be readily available to make a determination on the totality of the officer's performance whether they would be a good role model.

Commissioner Veronese asked if the Department follows DGO 3.13. Captain Keohane stated yes, the Department follows it strictly. Commissioner Veronese asked if the same type of scrutiny is taken when promotion people to supervisorial positions or training positions. Captain Keohane stated he could not speak to that. Chief Fong stated that there are criteria that the commanding officer of the training division will review. When someone is interested in being assigned at the academy, an application is filled out. There is an interview panel and a check of their record.

Commissioner DeJesus asked about evaluation of FTO and if it includes how officers performed within the community. Captain Keohane stated that that would come from the overall supervisory recommendation.

Commissioner Sparks asked about FTOs with prior use of force. Captain Keohane stated that the Department has to look at each use of force on an individual basis and see how it is applicable to the performance of the officer. Captain Keohane explained that with the early intervention system the chain of command will know if there is a problem with an individual officer. There will be more accountability.

Commissioner Sparks asked if there is a cross-reference, once a complaint is filed, to the use of force log to see if there is a five to one ratio of five uses of force to one complaint or anything along that line. Captain Keohane stated not at this time.

PUBLIC COMMENT

Valerie Toulier, Latino Steering Committee, discussed concerns regarding hiring of officers and training received by officers and community policing.

Marylon Boyd discussed concerns regarding use of force reporting.

Mark Schlosberg, ACLU, discussed concerns with issues raised by the Chronicle series.

Matt Leroy discussed concerns regarding training of officers.

Barbara Gross discussed concerns regarding vehicles with no license plates.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Budget update

c. Use of force issues

Commissioner Renne asked Director Allen that, in light of the Commission's request to the Department, Director Allen highlight the changes and the priorities in the OCC's budget, if he wants to go through his budget tonight or wait until March 1st.

Director Allen stated that he can go briefly through the changes in the OCC budget. Director Allen stated that he has a proposed a new organizational chart: one is for an outreach person; $11,000 increase for computer technology under equipment; two new investigators; one admin person.

Commissioner Veronese asked about tracking system. Director Allen explained that it takes several years to build this tracking system and costs up to $96,000. Director Allen explained that the OCC tracks all the use of force complaints and the use of force entries are available to them and anytime a complaint is received, they will go and check if there is an entry on the use of force log.

Commissioner Campos asked where in the budget the community outreach proposal is at and if there is any money for that.

Commissioner Sparks asked about the vacancies. Director Allen explained that the lawyer vacancy is being filled where all lawyers will work as a litigation lawyer and as policy lawyers. The vacancy in the investigator's position was absorbed by the OCC but they do not have the money to pay for it.

Commissioner Sparks stated that she thinks that the OCC is under budget. Commissioner Sparks stated that there were concerns about cases being completed at a very late date, the Department not having the 60 days that is required to evaluate and the question is will this budget get the OCC to where it can function and fulfill its mandate under the charter. Director Allen stated that this would be the budget that would do that. He stated that two people coming in would close almost 100 cases.

Commissioner Sparks asked about the outreach plan and is there a plan in the new budget. Director Allen stated that until there is a change with the way the office is set up the staff pretty much work from 8 to 5. Director Allen stated that the new contract is open now for negotiations. Commissioner Sparks asked if flexible hours schedule can be put in the contract to allow investigators to work outreach. Director Allen stated that it can be considered suggested. Commissioner Sparks stated that this agency cannot work on 8 to 5. Director Allen also stated that there is a concern with people leaving the office at night because of the location.

Commissioner Campos asked if this budget will allow OCC to do everything that is asked of the OCC and is there a file retention policy. Director Allen explained that files are kept for 20 years before they are destroyed.

Director Allen explained the OCC's case tracking system.

Commissioner Sparks stated that her fear is that if you hit eight months, people will start closing cases early because they are running out of time and not because the investigation is completed. Director Allen stated that he has instructed his supervisors that if they have identified three or four cases, those cases are prioritized and they pass through the investigator, the senior investigator, the Chief investigator, and the Director.

PUBLIC COMMENT

Mark Schlosberg, ACLU, discussed the annual report and brought copies of the annual report of a similar department.

Steve Johnson, POA, stated he agrees with the ACLU in regards to the annual report. He also discussed concerns regarding OCC's OU time and the 60-day review by the Chief that's not being followed. He also discussed concerns regarding who is making the complaints.

Marylon Boyd discussed concerns regarding incidents of use of force that are not reported.

DISCUSSION AND ACTION REGARDING BUDGET FOR THE POLICE COMMISSION

Chief Fong explained that the lined item of $386,357 is the Fiscal Division put classifications to those positions requested by the Commission and came up with this number and this is additional to the current budget.

Commissioner Sparks asked for a breakdown with everything in it so that the Commission can see.

Commissioner Renne stated that if this is not put into the budget tonight, none of this will be included in the budget.

Commissioner Sparks stated that she came up with five additional staffing, including the current staff, she came up with a total number of $550,000 or $600,000 for Commission staff.

Commissioner Renne stated that right now there is Sgt. Reilly and an administrative assistant. If the Commission hires an executive director, what would they do and who will they direct. Commissioner Sparks stated that her thought would be that the Director would track policies that the Commission have been trying to look at to do best practices review but thinks that there would be a significant amount that that individual can do.

Commissioner Renne stated that she could see starting out at least with a policy analyst and that analyst would be able to track things, get it started, get the general orders up to date. Commissioner Renne also stated that a legislative analyst as modeled after the Board of Supervisors that would come back with useful reports. Commissioner Renne stated that starting with a policy analyst and an additional clerk typist to get it pass.

Commissioner Campos asked if a place holder can be in place so that the Commission can have further discussion on this issue.

Commissioner DeJesus stated that an executive director can take over a lot of things that are not moving forward.

Commissioner Veronese stated that there should be more discussion on this issue and agrees that there should be more staffing.

Commissioner Marshall stated that his concern is someone to help expedite the disciplinary cases.

Commissioner Renne stated that where the problem has been in expediting the cases is getting lawyers to do the cases now the Department has the lawyers and there are the cases that have been backlog at the Court of Appeals. Commissioner Renne explained that getting an administrative law judge will not expedite the cases but it will mean less time for an individual commissioner to hear the cases.

Commissioner Renne stated that her concern with this issue is that the Commission might get overly criticized for over-reaching with the budget and she wants the Commission to be realistic in its request starting out.

Commissioner Sparks stated that she has a different perspective and she thinks that the people of San Francisco have lost confidence with the San Francisco Police Department and that it's in everyone's best interest to try to change that perception. The people has expressed a desire for civilian oversight. Commissioner Sparks stated that the Police Commission is different from other commissions in this city in its responsibility that its charged with and due to that, she believes that this commission has a greater responsibility and that the Commission needs assistance to be able to discharge that.

Commissioner Sparks stated that she agrees with Commissioners Campos and DeJesus in putting a place holder so that the Commission can discuss the budget in greater detail.

Commissioner Renne suggested that the Commission needs to be very clear and transparent in what is asked for. What Commissioner Renne recommends is a legislative analyst and somebody to help with the transcribing, put provision for a senior clerk typist. If the Commission wants to put some money in for an administrative law judge, depending on whether the Commission can or not, put monies for those three as a place holder and then on March 1st talk about it in more detail.

PUBLIC COMMENT

Mark Schlosberg, ACLU, stated that the Commission should asked for more as far as the budget for staffing.

Matt Leroy stated that the Commission has a very important job and ask for what is needed.

Steve Johnson stated that an administrative law judge is a great idea to get discipline cases moving.

Barbara Moore asks who funds the ACLU.

Motion by Commissioner Marshall to have monies placed in the budget for the Commission to add a legislative analyst, a senior clerk typist, and sufficient funds for an administrative law judge to hear various cases, assuming it can be done. Second by Commissioner Campos with a caveat that this issue be discussed on March 1st.

Commissioner Renne explained that this will be a place holder in the budget to meet the 21st deadline and then further discussion on the March 1st.

Commissioner Veronese stated that he agrees with the ACLU and that the Commission is selling itself way short and that three positions will not help with what the Commission wants to achieve. Commissioner Veronese stated that he will not support a motion that has just three people.

Commissioner DeJesus asked why the Commission not put in the amount that Commissioner Sparks had asked for as a place holder and then go in and delete it later.

Commissioner DeJesus moved to amend the motion that the Commission submit the positions that Commissioner Sparks has laid out and

then on March 1st have continued discussions on this issue.

Motion by Commissioner DeJesus to take the figure from Captain Lynch for the 21st and then have further discussion on March 1st. Second by Commissioner Campos. Approved 6-0.

APPROVAL OF MINUTES FOR THE MEETING OF FEBRUARY 1, 2006

Motion by Commissioner Marshall, second by Commissioner Sparks to approve the minutes. Approved 6-0.

COMMISSION ANNOUNCEMENTS

a. Notice of reassignment of pending disciplinary cases:

Officer Jerry L. King (File No. C06-019 SL)
Officer Steven Maionchi (File NO. DRA D065-029 Appeal)

Officer James A. O'Malley (File No. C05-056 SL)
Officer Timothy D. Paine (File No. C05-057 SL0
Officer Ferdinand Dimapasoc (File No. C05-058 SL)
Officer Owen J. Sweeney III (File No. C05-059 SL)

Sergeant Gregory Breslin (File No. C02-256 SCM)
Sergeant Michael Moran (File No. C02-257 SCM)
Inspector James Zerga (File No. C02-259 SCM)
Inspector Peter Siragusa (File No. C02-258 SCM)

RESOLUTION NO. 10-06

REASSIGNMENT OF PENDING DISCIPLINARY CASES

RESOLVED, that the following pending disciplinary cases are reassigned to the following Commissioners:

Commissioner David Campos
Officer Jerry L. King (File No. C06-019 SL)

Commissioner Petra DeJesus
Officer Steven Maionchi (File No. DRA D05-029 Appeal of the Chief's Suspension)

Commissioner Theresa Sparks
Officer James A. O'Malley (File No. C05-056 SL)
Officer Timothy D. Paine (File No. C05-057 SL)
Officer Ferdinand Dimapasoc (File No. C05-058 SL)
Officer Owen J. Sweeney III (File No. C05-059 SL)

Commissioner Louise Renne
Sergeant Gregory Breslin (File No. C02-256 SCM)
Sergeant Michael Moran (File No. C02-257 SCM)
Inspector James Zerga (File No. C02-259 SCM)
Inspector Peter Siragusa (File No. C02-258 SCM)

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Veronese discussed his proposed general order and would like input from the public, the POA, and the City Attorney.

Commissioner Campos would like a report on community policing in all of San Francisco.

Commissioner Sparks congratulated Deputy Chief Shinn for his promotion and Commander Tacchini for his promotion.

Motion by Commissioner Veronese, second by Commissioner DeJesus to adjourn the meeting. Approved 6-0.

Thereafter, the meeting was adjourned at 10:04 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 22, 2006
6:00 p.m.

NORTHERN DISTRICT
Rosa Parks Elementary School
1501 O'Farrell Street
San Francisco, California

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Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

3. Approval of minutes for the meeting of February 8, 2006 (ACTION ITEM)

4. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Sergeant John C. Bragagnolo (File No. C06-20 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   b. Assignment of disciplinary charges filed against Officer Scott B. Biggs (File No. C06-21 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   c. Assignment of disciplinary charges filed against Officer Arthur A. Gabac (File No. C06-22 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   d. Assignment of disciplinary charges filed against Officer David M. Seid (File No. C06-23 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   e. Assignment of disciplinary charges filed against Inspector Mark C. Gamble (File No. C06-25 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   f. Assignment of disciplinary charges filed against Inspector Richard G. Alves (File No. C06-26 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   g. Assignment of disciplinary charges filed against Officer Kelly M. Paul (File No. C06-24 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

[illegible] BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 22, 2006
6:00 p.m.

NORTHERN DISTRICT
Rosa Parks Elementary School
1501 O'Farrell Street
San Francisco, California

5. Captain Kevin Dillon, Commanding Officer of Northern Station, to address the Commission on Police Activities in the Northern District (DISCUSSION ONLY)

6. Public Comment
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

7. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

The Police Commission

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Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 22, 2006
6:00 p.m.

NORTHERN DISTRICT
Rosa Parks Elementary School
1501 O'Farrell Street
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADELE DESTRO BY MAIL, INTERIM ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7724, FAX (415) 554-7854; E-MAIL: SOTF@SFGOV.ORG. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: Rosa Parks Elementary School, 1501 O'Farrell Street, S.F.

Accessible MUNI lines serving this location is: 38 Geary
For information about MUNI service call 923 6142

The closest BART Station is: n/a

Accessible parking Rosa Parks school yard (Ellis at Hollis)

For information about the meeting call (415) 553-1667 **(v) or** 553-9194 **(tty)**

The San Francisco Police Commission and the Officers of Northern Station invite you to attend

A Special Meeting of the Police Commission
February 22, 2006
6:00 PM

Rosa Parks Elementary School
1501 O'Farrell Street
San Francisco, CA 94115

This is your opportunity to address the governing body of the San Francisco Police Department. Residents, Merchants and Community Members of the Northern District are invited to voice their concerns directly to the Commissioners.

Captain Kevin Dillon will present a

"State of the District Report"

A public comment period will follow.

- Free parking available in the Rosa Parks schoolyard (Ellis at Hollis)
- An accessible entrance is located on O'Farrell at Hollis

FEBRUARY 22, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Northern District, at Rosa Parks Elementary School, 1501 O'Farrell Street San Francisco, at 6:15 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Campos, DeJesus, Marshall, Veronese

Commissioner Marshall arrived at 6:20 p.m.

Commissioner Renne welcomed the audience and asked the Commissioners to introduce themselves.

CHIEF'S REPORT

a. Review of Recent Activities

Chief Fong introduced the members of the Command Staff. Present were Deputy Chief Tabak, Deputy Chief Parra, Commander Harper, Deputy Chief Shinn, and Commander Craig.

OCC DIRECTOR'S REPORT

a. Report on the function of the Office of Citizen Complaints

Ms. Susan Leff, for Director Allen, explained the duties and functions of the OCC.

CAPTAIN KEVIN DILLON, COMMANDING OFFICER OF NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN DISTRICT

Taken out of order.

Captain Dillon addressed the Commission on police activities in the Northern District. Captain Dillon introduced his lieutenants. Present were Lieutenants Sanford, Johnson, Barrett, and Lee. Captain Dillon went on to describe the demographics of Northern Station.

Commissioner Veronese asked about stats on sexual assault crimes. Captain Dillon stated that often times you can look at numbers and see clearly a reason for why it happened but other times we can't. He stated that he cannot explained the change.

Commissioner Veronese asked about homicides and asked if the police can do something to assist in the prosecution, what is it. Captain Dillon stated that the Captains in stations where there are a large number of homicides meet on a biweekly basis with the director of the Mayor's Office of Criminal Justice, the Gang Task Force, the lieutenant of Homicide, the Captain of Investigations and all of the homicides and shootings that occurred in the last two weeks are discussed. One of the things that they do is identify the individuals that have been involved in numerous cases.

Deputy Chief Tabak also explained that the level of success is proportionate to the willingness of the community to step up. About 80 percent of the cases where witnesses come forward results in an arrest. Relative to homicides and aggravated assault shootings is that the Department does seen repeat offenders. The deterrent factor to a consequence, it sends a loud message. Most homicide suspects will commit multiple homicides. Most shooting suspects will commit multiple shootings. So it stands to reason that when someone is in custody, the rate of homicides and shootings goes down proportionately.

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Commissioner Campos asked about community policing. Captain Dillon stated that there is a huge increase in foot beat officers. There are eight officers that are walking in the Western Addition that were not walking here a year and a half ago. The officers are also making an effort to be as accessible to the public as possible and also the Captains are more accessible and the added email access adds to the communication with the community. Captain Dillon stated that the two biggest locations in the Western Addition for interaction with the community is the Ella Hill Hutch and the African-American Arts and Cultural Center.

Commissioner Campos asked about the public's willingness to come forward and provide information to the department about homicides and violent crimes. Captain Dillon stated that the station receives a lot of information from the public. There are some reluctance on the part of some witnesses to get involve in the case and actually testify in court but as far as providing information to the police, there is an excellent flow of information from the community.

Commissioner Marshall what does this station is currently doing that addresses the gab between the community and the police. Captain Dillon stated that he feels the area that feels most separated from the Police Department would be the Western Addition and part of the Hayes Valley. Captain Dillon stated that the number of beat officers that are in those areas have increased. Captain Dillon stated that he's making every effort to be at every meeting, every event and have increased the number of African-American officers that are working in the community.

Commissioner Marshall stated that it will take a lot of creativity on both sides to close the gap between the community and the police but he also thinks that new idea, fresh ideas, and attention to that can only help.

Commissioner DeJesus asked about homicides in 2005. Out of the 11 homicides in 2005, how many arrests were made and of those arrests, how many were prosecuted, and the ones that were not prosecuted, did he have any dialogue with the district attorney's office as to why they did not proceed with the prosecution. Captain Dillon stated that his dialogue was with Lt. Hennessy, the Lieutenant of Homicide. Of the 11 cases, there were no prosecutions. There were arrests on three of those cases but that according to the lieutenant, he felt that a suspect had been identified in each one of those but in some cases, there just isn't enough evidence to prosecute. The cases stay open.

Commissioner Campos asked if there is anything that can be done to have arrests for every homicides. Captain Dillon stated that in some cases there just isn't any evidence or eye witness testimony which makes an arrest very difficult. Captain Dillon stated that the cameras on Larch and Buchanan have had a huge effect on the crime in that area.

Commissioner DeJesus is there a homicide inspector at the scene at each and every homicides. Captain Dillon stated that there are often multiple homicide inspectors at one scene.

Commissioner Veronese asked about use of force and what is the Department doing to bring down the level of force that's being used during arrests or to assess the level of force being used. Captain Dillon stated that short of video taping every encounter that involves force, it is very difficult for the Department to try to assess that and determine what else could have been done. Captain Dillon stated that the more comfortable the officer is with his/her capabilities and they know that they are able to handle the situation and they know they have the skills from the training provided by the academy then they are going to be better to handle the situation and less likely to get scared and less likely to maybe perceived as over reacting.

Commissioner Renne thanked Captain Dillon for his report. She also stated that Commissioner Marshall have hit the nail on the head when he talked about the gap. Commissioner Renne stated that what the Department needs to do is to take a look at recruitment for the future and particularly in those areas where there are gaps, what can be done to be creative in terms of focusing efforts on where the gaps are so that more can be done to lessen that gap.

Commissioner Marshall stated that it can happen if everybody wants it to happen.

PUBLIC COMMENT

Taken out of order.

Veronica Perry would like to have a meeting with the Captain of her station and commented on how the police can communicate with the community.

Richard Johnson, Hayes Valley Community Partners, asked for more beat officers to interact with the community and asked the Commission to look at the recent closure of John Swett School.

London Breed, director of African American Art and Cultural Complex in the Western Addition, stated that growing up she had bad experience with police. She stated that beat officers in her district are helping kids in a positive way and that kids are starting to feel that they can actually approach police officers without being labeled a snitch. She asked the Commission to appreciate the officers and to respect them and to show them as much support as they can possibly get. She went on to commend Captain Dillon for his work with the community.

Kathy Perry discussed community policing and thanked Commissioner Veronese for his DGO proposals. She thanked Captain Dillon and Lieutenant Johnson for their work in community policing.

Joann Minsky, Hayes Valley resident, commended Captain Dillon and the officers of Northern Station. She also stated the community policing has been going on in her district for a long time. She also stated that the community can't expect the police to parent their children.

Jeanette Berger commended Captain Dillon and all of the Northern Station officers.

Cindy Wydell, executive director for SF Safe, commended Captain Dillon and his staff for work done with Safe. She stated that they are working with Captain Dillon and his staff in addressing the auto break ins and burglaries and providing a number of security assessments for condominium and apartment buildings and doing neighborhood watch groups.

Maddie Scott, Healing Circle, group of parents who have lost children to senseless gang violence as well as parents for murdered children. She stated that community policing is very very important and it is something that everybody needs to come together to work on and there also needs to be a forum for young people.

Ace Washington thanked Captain Dillon and thanked all the Black officers that are in Northern Station. He invited the Commission to come to the African American Police Relationship Branch to see what is being done.

Matt Leroy stated that it is the job of a police officer to be a parent to the community.

Mary Harris, President OMI Neighbors in Action, read a letter she wrote to the Chief in regards to Officers Bragagnolo and Briggs and asked the Chief to get the officers back out on the streets.

Marylon Boyd discussed concerns regarding OCC complaints being taken seriously and concerns regarding officers involved in the shooting of her son.

Mission District resident discussed concerns regarding complaints against his vehicle on Alameda and Bryant Streets.

Steve Johnson, POA, discussed concerns regarding statement made by

Ms. Boyd and discussed concerns regarding who is making the use of force complaints.

Unidentified discussed concerns.

Unidentified discussed concerns regarding problems with the police.

APPROVAL OF MINUTES FOR THE MEETING OF FEBRUARY 8, 2006

Motion by Commissioner Marshall, second by Commissioner Campos to approve the minutes. Approved 5-0.

COMMISSION ANNOUNCEMENTS

a. **Assignment of disciplinary charges filed against Sergeant John C. Bragagnolo (File No. C06-28 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.**

b. **Assignment of disciplinary charges filed against Officer Scott B. Biggs (File No. C06-29 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.**

c. **Assignment of disciplinary charges filed against Officer Arthur A. Gabac (File No. C06-30 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.**

d. **Assignment of disciplinary charges filed against Officer David M. Seid (File No. C06-31 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.**

e. **Assignment of disciplinary charges filed against Inspector Mark C. Gamble (File No. C06-32 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.**

f. **Assignment of disciplinary charges filed against Inspector Richard C. Alves (File No. C06-33 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.**

g. **Assignment of disciplinary charges filed against Officer Kelly M. Paul (File No. C06-24 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.**

RESOLUTION NO. 11-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT JOHN C. BRAGAGNOLO (FILE NO. C06-28 SL)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Sergeant John C. Bragagnolo, Star No. 941, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant John C. Bragagnolo; therefore be it

RESOLVED, that Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant John C. Bragagnolo, and is to be set at a later date.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Veronese

ABSENT: Commissioner Sparks

RESOLUTION NO. 12-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER SCOTT B. BIGGS (FILE NO. C06-29 SL)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Scott B. Biggs, Star No. 1760, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Scott B. Biggs; therefore be it

RESOLVED, that Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Scott B. Biggs, and is to be set at a later date.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Veronese
ABSENT: Commissioner Sparks

RESOLUTION NO. 13-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER ARTHUR A. GABAC (FILE NO. C06-30 SL)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Arthur A. Gabac, Star No. 1580, Traffic, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Arthur A. Gabac; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Arthur A. Gabac, and is to be set at a later date.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Veronese
ABSENT: Commissioner Sparks

RESOLUTION NO. 14-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER DAVID M. SEID (FILE NO. C06-31 SL)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer David M. Seid, Star No. 1205, Special Investigations Division, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer David M. Seid; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer

David M. Seid, and is to be set at a later date.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Veronese
ABSENT: Commissioner Sparks

RESOLUTION NO. 15-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR MARK C. GAMBLE (FILE NO. C06-32 SL)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Inspector Mark C. Gamble, Star No. 157, Special Investigations Division, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Mark C. Gamble; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Mark C. Gamble, and is to be set at a later date.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Veronese
ABSENT: Commissioner Sparks

RESOLUTION NO. 16-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR RICHARD G. ALVES (FILE NO. C06-33 SL)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Inspector Richard G. Alves, Star No. 462, Special Investigations Division, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Richard G. Alves; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Richard G. Alves, and is to be set at a later date.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Veronese
ABSENT: Commissioner Sparks

RESOLUTION NO. 17-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER KELLY M. PAUL (FILE NO. C06-24 JCT)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Kelly M. Paul, Star No. 648, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner David Campos is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer

Kelly M. Paul; therefore be it

RESOLVED, that Commissioner David Campos is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Kelly M. Paul, and is to be set at a later date.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Veronese
ABSENT: Commissioner Sparks

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Veronese asked the Chief if the Department would consider a pilot program in having the officer and the trainers in the Academy to determine whether or not the appropriate amount of force was used. Chief Fong stated that she will have discussions and report back to the Commission.

Motion by Commissioner Marshal, second by Commissioner DeJesus to adjourn the meeting.

Thereafter, the meeting was adjourned.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 1, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Pledge of Allegiance; Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Discussion and possible action to approve the following:
   a. Department's Fiscal Year 06/07 Budget
   b. OCC's Fiscal Year 06/07 Budget
   c. Police Commission Budget

3. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

4. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

5. Discussion and possible action to appoint a Commissioner to monitor compliance with Department General Order 8.10, "Guidelines for First Amendment Activities" pursuant to section (VI)(A) and (B) of the General Order (ACTION ITEM)

6. Approval of minutes for the meeting of September 28, 2005 (ACTION ITEM)

7. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Officer Michael Lewis (File No. C06-35 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)
   b. Assignment of disciplinary charges filed against Sergeant Sylvia Morrow (File No. C06-34 SL) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 1, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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DOUGLAS CHAN
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DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

MARCH 1, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco at 5:48 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall
ABSENT: Commissioner Veronese

(Commissioner Renne arrived at 6:13 p.m.)

PUBLIC COMMENT

Unidentified discussed concerns regarding SRO issues.

Patricia Tullock, POWER, discussed concerns regarding her observation of patrol car 589 in the Fillmore District and stated concerns regarding racial profiling.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FOLLOWING:

a. Department's Fiscal Year 06/07 Budget
b. OCC's Fiscal Year 06/07 Budget
c. Police Commission Budget

Captain Lynch, Fiscal Division, presented the Department's fiscal year 06/07 budget.

Motion by Commissioner Marshall, second by Commissioner DeJesus to approve the Department's budget. Approved 5-0.

Director Allen presented the OCC's fiscal year 06/07 budget.

Motion by Commissioner Marshall, second by Commissioner Campos to approve the OCC's budget. Approved 5-0.

Motion by Commissioner Sparks, second by Commissioner Marshall to direct the Department to add into the SFPD budget additional resources for additional staff for the Commission office. Approved 5-0.

PUBLIC COMMENT

Marylon Boyd discussed budget for FTO training, specialists training, and budget for OCC attorneys.

RESOLUTION NO. 18-06

APPROVAL OF THE SFPD BUDGET FOR FISCAL YEAR 2006-2007

RESOLVED that the Police Commission hereby approves the SFPD budget for fiscal year 2006-2007.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall
ABSENT: Commissioner Veronese

RESOLUTION NO. 19-06

APPROVAL OF THE OCC BUDGET FOR FISCAL YEAR 2006-2007

RESOLVED that the Police Commission hereby approves the OCC budget for fiscal year 2006-2007.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall

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ABSENT: Commissioner Veronese

RESOLUTION NO. 20-06

APPROVAL OF THE POLICE COMMISSION BUDGET

RESOLVED that the Police Commission hereby directs the Police Department to put in the SFPD budget for fiscal year 2006-2007 additional resources which would include the required fully loaded costs for the following positions:

(1) Principal Administrative Analyst	$119,086
(1) Sr. Clerk Typist	66,832
Provision for an Administrative Law Judge	90,934
Percentage of the Deputy City Attorney's Time which equals to	76,960

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall
ABSENT: Commissioner Veronese

(The Commission took a five-minute break.)

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong read a letter into the record that she will be presenting to the Commission:

"This is dated today to President Renne:

Re: Request for Guidance regarding the Meet-and-Confer Process Compliance with Proposition H between the Office of Citizen Complaints and the Chief of Police.

Dear President Renne:

I am seeking the Commission's guidance and clarification due to several recent issues regarding the meet-and-confer process required under Charter section 4.127. These recent events have led me to believe a more formal protocol needs to be established in order to insure the integrity, fairness, and accountability of the disciplinary process.

Recent Commission disciplinary findings by the Office of Citizen Complaints have occurred after the required meet-and-confer process has begun but has not been completed. In at least one case, there has been no formal meet-and-confer process at all.

In those cases where we did meet and confer, after I had reviewed the information supplied to the Department by the OCC, I pointed to specific areas of the investigation that did not support the OCC's recommendations. In each case I provided relevant information and analysis and made specific requests of the OCC in order to reach my final decision. Based upon their written investigations and our discussions, I had made a preliminary decision in each case on whether discipline was warranted and the appropriate level to bring those charges. I informed the Director of my decision in each case. In addition, in each case I communicated by absolute need to have further critical information from them in order to make my final decision. These conversations left us anticipating some further action on the part of the OCC and some conclusion to the meet-and-confer process. This did not occur.

Further, the OCC simply filed with the Commission. Without notifying me of their decision to file, I became aware from Department personnel that

OCC staff were calling to acquire case numbers and OCC staff were calling stations to effect service of documents in order to file Commission level charges in those case we were actively discussing. Neither I nor the Risk Management Officer ever received any personal notification from the OCC regarding the filing and service of these discipline documents.

Under Charter section 4.127 the OCC has the authority to verify charges with the Police Commission after the meet-and-confer process with the Chief of Police. Currently, there is no requirement to notify the Chief of Police. The filing of Commission level charges during the meet-and-confer process without notification to the Chief of Police does not honor the spirit and letter of section 4.127 and is cause for serious concern.

Recently, two letters were filed independently with the Commission Secretary. Copies of these letters obtained by the Commission Secretary indicate a cc to the Police Chief. As of today's date, those letters have not been received by me. These documents are identical and indicate, quote "after numerous meetings and discussion Chief Fong has failed to file charges and has given no indication she is going to file charges in this matter." end quote. In one of these matters, one meeting was held in which our investigative concerns were brought forth. In the other matter, one meeting, one conference call, and one telephone call took place.

These letters also indicate the one year time periods set forth in Government Code section 3304 was to expire soon necessitating urgent filings. In these cases the Chief has not been afforded the 60-day review period as set forth in Proposition H. We are unaware of any letter written to the Commission on the most recent filing.

In one case, during the meet-and-confer process, we were provided with OCC draft documents of Commission charges. These documents were drawn in the name of the Director bringing into question the legitimacy and integrity of the meet-and-confer process.

All of these events have necessitated the need for a protocol to obviate future problems. As a practical solution I recommend that an official protocol be codified to address the issues created by these actions. I've requested assistance of the City Attorney in developing these protocols. The major areas of concern include: a formalization of the meet-and-confer process required under Charter section 4.127; a formalization of the required Director's letter to the Police Commission justifying Director-verified charges when there is a substantial deviation from the standards and principles of progressive discipline; a method of notification of the Chief of Police or in his/her absence the Commanding Officer of the Risk Management Division when the Director intends to verify charges; a formalization of the process for service of verified charges upon Department members; and the standardization of OCC discovery through the Commission Secretary.

I'm available and I look forward to discussing these issues with you. Thank you, Commissioners."

PUBLIC COMMENT

Elvira Pollard, mother of Gustavos Rugley, discussed concerns regarding OCC not getting requested documents from the Department.

Marylon Boyd discussed concerns regarding 60-day review period and the one year statute.

Maggie Scott, Healing Circle, discussed concerns regarding unsolved homicides. She asked that something be put on the budget to help with unsolved homicides.

OCC DIRECTOR'S REPORT

a. Update on significant policing efforts by Department members

Director Allen reserved comments to what was discussed beforehand.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO APPOINT A COMMISSIONER TO MONITOR COMPLIANCE WITH DEPARTMENT GENERAL ORDER 8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES" PURSUANT TO SECTION (VI)(A) AND (B) OF THE GENERAL ORDER

Motion by Commission Campos, second by Commission DeJesus to appoint Commissioner Marshall. Approved 5-0.

RESOLUTION NO. 21-06

APPOINTMENT OF COMMISSIONER JOE MARSHALL TO MONITOR COMPLIANCE WITH DEPARTMENT GENERAL ORDER 8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES" PURSUANT TO SECTION (VI)(A) AND (B) OF THE GENERAL ORDER

RESOLVED, that the Police Commission appointed Commissioner Joe Marshall to monitor compliance with Department General Order 8.10, "Guidelines for First Amendment Activities" pursuant to Section (VI)(A) and (B) of the general order.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall
ABSENT: Commissioner Veronese

APPROVAL OF MINUTES FOR THE MEETING OF SEPTEMBER 28, 2005

Motion By Commissioner Marshall, second by Commissioner Sparks to approve the minutes. Approved 5-0.

COMMISSION ANNOUNCEMENTS

a. Assignment of disciplinary charges filed against Officer Michael Lewis (File No. C06-035 SL) to an individual Commission for the taking of evidence on a date to be determined by the Commissioner

b. Assignment of disciplinary charges filed against Inspector Sylvia Morrow (File No. C06-034 SL) to an individual Commission for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 22-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL LEWIS (FILE NO. C06-35 SL)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Michael Lewis, Star No. 540, Special Investigations Division, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael

Lewis; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael Lewis, and is to be set at a later date.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall
ABSENT: Commissioner Veronese

RESOLUTION NO. 23-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR SYLVIA MORROW (FILE NO. C06-34 SL)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Inspector Sylvia Morrow, Star No. 1270, Special Investigations Division, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Sylvia Morrow; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Sylvia Morrow, and is to be set at a later date.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall
ABSENT: Commissioner Veronese

Sergeant Reilly also announced that disciplinary charges related to Officer Arthur Gabac, Officer David Seid, Inspector Mark Gamble, and Inspector Richard Alves will also go to Commissioner Veronese.

Commissioner Renne asked that this item be continued at this time.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Marshall asked that prioritizing of items be on the agenda for next week.

Motion by Commissioner Sparks, second by Commissioner Marshall to adjourn the meeting.

Thereafter, the meeting was adjourned at 9:25 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 8, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION (5:30 p.m. in Room 400)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (DISCUSSION ONLY)

   CONFERENCE WITH LEGAL COUNSEL
   a. Maximilian Castro, et al v. City and County of San Francisco, San Francisco Superior Court No. 317-475

OPEN SESSION

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   Maximilian Castro, et al v. City and County of San Francisco, San Francisco Superior Court No. 317-475

6. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 8, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Status Report re: Patrol Special Officers

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Presentation of the 4th Quarter Early Warning Report
   c. Status Report on current OCC cases and OCC investigators' caseload

9. Discussion and possible action to prioritize items requested by the Commission (ACTION ITEM)

10. Approval of the minutes for the meetings of February 15th and 22, 2006 (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)

    Reassignment of the following disciplinary cases: (ACTION ITEM)
    a. Officer Arthur A. Gabac (File No. C06-30 SL)
    b. Officer David M. Seid (File No. C06-31 SL)
    c. Inspector Mark C. Gamble (File No. C06-32 SL)
    d. Inspector Richard G. Alves (File No. C06-33 SL)
    e. Officer Michael Lewis (File No. C06-35 SL)
    f. Inspector Sylvia Morrow (File No. C06-34 SL)

12. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Tenderloin District, Community Meeting Room, 201 Turk Street, San Francisco, at 6:00 p.m., on Wednesday, March 29, 2006, to hear comments from the public and Tenderloin Captain Kathryn Brown concerning public protection issues in the Tenderloin District.

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 22, 2006
6:00 p.m.

NORTHERN DISTRICT
Rosa Parks Elementary School
1501 O'Farrell Street
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

MARCH 8, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:38 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, Marshall, Veronese
ABSENT: Commissioner DeJesus

(Commissioner Marshall arrived at 5:40 p.m.)

Commissioner Renne announced that the Commission will not be able to go into closed session until the arrival of Commissioner Marshall because Commissioner Veronese is excused from this item.

DISCUSSION AND POSSIBLE ACTION TO PRIORITIZE ITEMS REQUESTED BY THE COMMISSION

Taken out of order

Motion by Commissioner Campos, second by Commissioner Sparks to put over to next week. Approved 5-0

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Sparks, second by Commissioner Marshall to excuse Commissioner Veronese from the Closed Session. Approved 5-0

Motion by Commissioner Marshall, second by Commissioner Campos to hold Closed Session. Approved 6-0.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)

CONFERENCE WITH LEGAL COUNSEL

a. Maximilian Castro, et al v. City and County of San Francisco, San Francisco Superior Court No. 317-475

OPEN SESSION

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

Motion by Commissioner Marshall, second by Commissioner Sparks for non disclosure. Approved 5-0.

APPROVAL OF CONSENT CALENDAR

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney: Maximilian Castro, et al v. City and County of San Francisco, San Francisco Superior Court No. 317-475

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Motion by Commissioner Marshall, second by Commissioner Sparks to approve the Consent Calendar. Approved 4-0.

RESOLUTION NO. 24-06

MAXIMILIAN CASTRO, et al v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Maximilian Castro, et al v. City and County of San Francisco," in San Francisco Superior Court No. 317-475, be, and the same is hereby approved.

Date of Incident: February 15, 2002

AYES: Commissioners Renne, Sparks, Campos, Marshall
ABSENT: Commissioner DeJesus
EXCUSED: Commissioner Veronese

PUBLIC COMMENT

Barry Toronto, cab driver, discussed concerns regarding Captain Dudley.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members
b. Status Report re: Patrol Special Officers

Deputy Chief Pengel, for Chief Fong, introduced Sergeant Craig Tom, FOB, to present the report on Patrol Special Officers.

Sergeant Craig Tom presented the report regarding Patrol Special Officers.

Commissioner Veronese asked about the number of beats. Sergeant Tom explained that in 1994, Patrol Specials are able to purchase as many beats as the could absorb, but current rules now only allow the new beat owners as of 1999 to purchase only three beats but there was a clause built in prior to 1999 where if a patrol special had owned five or six or even ten beats, that person was allowed to maintain the ownership of those rights of those beats. Of those 67 beats it is possible that one beat owner could actually own 10 or 12 and in one case there is one beat owner that owns 11 beats and he hires assistant patrol specials to service these beats.

Commissioner Veronese asked if the patrol specials are an asset to the Department. Sergeant Tom deferred the question to the Chief.

Commissioner Veronese asked about reserve officers. Sgt. Tom stated that there are 23 reserve officers, 17 active, the remainder are on leave of absences. Reserve officers are volunteers and have been through the POST Training. Sergeant Tom stated that there are no reserve officers that are candidates for patrol special officers. He stated that there is a prohibition for reserve officers to hold a dual rank of patrol special reserve officers based upon their access to state comp computers or local CLETS computers and criminal history files. Patrol Specials do not have those access because they are not sworn peace officers.

Commissioner Veronese asked why patrol specials are not sworn peace officers and why don't they have the authority to issue citations. Sergeant Tom explained that the State does not recognize them under the 830 section of the

Penal Code and because of that the State is what infers the police officer power on to sworn members.

Commissioner Veronese explained that he is trying to understand if this is a program that should be expanded or a program that the Commission should look at and eliminate beats that are being underutilized. He asked for a recommendation from the committee.

Commissioner Sparks asked about the committee's purpose and function. Sergeant Tom explained that it initially started upon the request of the Patrol Specials Association to change the 1999 rules and procedures to make it more user friendly for their organization with the goal to get them utilized more. The goal of the committee is to find out if it is legal, and is it practical, and can it be done.

Commissioner Sparks stated that she would like to attend one of the committee meetings to observe. Sergeant Tom stated that the committee has bet and that the proposal is with Deputy Chief Shinn for his review.

Commissioner Sparks asked why patrol specials deputized to issue citations just like a city employee. Sergeant Tom stated that patrol specials are not city employees and that city employees are governmental officials and could act as agents for the city.

Commissioner Sparks asked the city attorney for an opinion as to why Patrol Specials are not authorized to issue citations. Commissioner Renne asked to add whether the employees are allowed to give citations.

Commissioner Sparks asked about Section 8.4127 about patrol specials being of good moral character and who determines that as far as implementation. Sergeant Tom stated he will get an answer for the Commission.

Commissioner Sparks asked if there is a conflict between Patrol Specials and 10-Bs. Sergeant Tom stated that the PLES coordinator would be the one to speak with.

Commissioner Sparks asked for information in regards to the Cincinnati and Charlotte, North Carolina patrol specials as far as how they are chartered and how they function with the Police Department of Cincinnati and Charlotte. Sergeant Tom stated the Cincinnati Police Department does not provide any legal authority with the agency and that they are recognized as peace officers of the State.

Commissioner Sparks stated that due to the low staffing level for police officers in the Department, she stated that patrol specials could provide some kind of a function relative to overall community policing program. She would like a discussion with the Chief or the Deputy Chief in regards to this.

Commissioner Sparks asked if the patrol specials association been involved with their training. Sergeant Tom stated that their training are relevant to what patrol specials will be encountering.

Commissioner Sparks asked to the process of hiring patrol specials. Sergeant Tom stated that the process begins with a beat owner sponsoring an individual that they feel meets the criteria to be a patrol special officer. The beat owner sends a letter sponsoring this individual and in that packet is a personal history statement that outlines the background form. It goes to the liaison. The liaison pre-screens it and a cursory criminal history check is conducted. There is also a parallel investigation that has been done by the patrol special through an external private background investigation. That

document is submitted to the liaison where it is verified for accuracy. The documents are then submitted to the Deputy Chief for review and then to the Chief and then to the Commission. The process is defined in the Rules and Procedures for the Patrol Specials.

Commissioner Sparks stated she would like a more detail presentation from the Patrol Special Officers Association and she would like quarterly presentations to update the Commission in regards to patrol specials.

Commissioner Campos asked about the committee revising the rules and what's the time line as to when the provisions will go before the Commission. Sergeant Tom stated that it's based on the time line of the Deputy Chief and the Chief.

Commissioner Campos asked if hiring was discussed with the provisions. Sergeant Tom stated that to have FOB conduct the background investigations to speed up the process was one of the issues discussed. Commissioner Campos would like more information as to the hiring process.

Commissioner Marshall stated that he is still a little unclear about the function that the Department has with the patrol special officers. Sergeant Tom stated that is administrative, supervisorial, and oversight. Sergeant Tom stated that MCD is the oversight for patrol specials.

Commissioner Campos would like to hear from the Department in regards to patrol specials and community policing. He also asked the City Attorney on the question why patrol specials cannot issue citations and what is the legal reasoning behind that.

Commissioner Veronese asked about how the patrol special program may conflict with the 10-B program. Deputy Chief Pengel stated that that's a question most appropriately answered by Chief Fong. Chief Pengel stated that there's a huge difference between the two in that 10-B officers are being hired as peace officers. Sergeant Tom explained that since patrol specials are not recognized by the Penal Code, they are also not recognized by the Vehicle Code so they cannot act as traffic officers so for a patrol special to give an order to a motorist, in theory, would be unlawful.

Commissioner Sparks asked to have the President of the Patrol Special Officers' Association give a presentation to the Commission and asked for a report from the Chief as far as how the Department sees patrol specials.

PUBLIC COMMENT

Matt Leroy discussed concerns regarding oversight of the patrol special officers.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Presentation of the 4th Quarter Early Warning Report

c. Status Report on current OCC cases and OCC investigators' caseload

Director Allen presented the 4th Quarter Early Warning Report and reported on the status of current OCC cases and OCC investigators' caseload.

Commissioner Veronese stated he introduced a general order proposal a month ago and stated that he has not received any information from the OCC on any of the general orders and that he would like to get some information in particular to the general order proposal that has to do with the early warning system. He also stated that he would also like something from the Department as well.

Commissioner Veronese stated that he would like to see all the codes as part of the Early Warning System. He asked how is OCC tracking issues if it don't know what the problems are. Director Allen stated that in the access data base you have a potential to go to 16 different screens and the allegations are written out in the database.

Commissioner Veronese asked what the Department is doing and has the Department done anything after seeing multiple complaints against an officer. Commissioner Veronese asked how does the Commission know that meetings with the officers are actually occurring. Captain Keohane explained that from the Early Warning 4th Quarter report, MCD has already sent letters to the Commanding Officers of the officers named within the report. That is logged into the station and into the officer's PIP file. The Commanding Officer has 14 days to respond back and in the 15th day, Captain Keohane would check with the lieutenant of MCD if all the reports have been received. Captain Keohane stated that three officers have been sent back to training in the past month.

Commissioner Renne asked that if in three weeks time, can Captain Keohane provide the Commission with a report as to what happen with the officers named, if remedial action was necessary, in the quarterly report. Captain Keohane stated that in about four weeks he could possibly review those and provide the Commission with a report.

Commissioner Campos asked Director Allen if there is a way to provide more context in the Early Warning Report and to provide what actions, if any, was taken.

Commissioner Sparks asked Director Allen to provide the Commission what the action codes on the multiple cards. Director Allen stated that he will provide that to the Commission and also stated that it is also under DGO 2.04. Commissioner Sparks also stated that the date the officer graduated from the Academy would be helpful to give the Commission some context.

Commissioner Sparks asked what is involved in the intake process that it takes weeks or months. Director Allen stated that when an intake comes in, the investigator pulls all the records from whatever date the incident occurred and they have to go through and determine and request the incident report and try to track down witnesses at the time. Director Allen stated that the intakes are sitting for about a month so that his staff can focus on the older cases.

Commissioner Marshall would like a definition of the findings code included in the report.

Commissioner Campos asked Director Allen about time line for intake process. Director Allen stated that all complainants are interviewed. If the come into the office, they are interviewed. He stated that the intake process takes up to 15 days.

Commissioner Sparks asked about the officers' interview. Director Allen stated that the interview is not part of the intake process. Commissioner Sparks stated that wouldn't it better to have the officer interviewed sooner than later so that he doesn't forget something or at least he knows he's under investigation. Director Allen stated that the complaints are sent to the officers right away. The process has always been the officers are interviewed after the evidence was gathered and that's been the policy in the office. Commissioner Sparks stated that that might be a process that should be reviewed because the officers should be interviewed relatively quickly.

Commissioner Sparks asked how many vacancies for investigators in the OCC. Director Allen explained stated that the 16th investigator position is

open currently.

PUBLIC COMMENT

Steve Johnson, POA, discussed concerns regarding confusion with OCC allegations. He also expressed concerns regarding length of time of interviews and investigations.

(Commissioner Renne is excused at 7:35 p.m.)

APPROVAL OF THE MINUTES FOR THE MEETINGS OF FEBRUARY 15TH AND 22, 2006

Motion by Commissioner Marshall, second by Commissioner Campos to approve the minutes. Approved 4-0.

COMMISSION ANNOUNCEMENTS

Reassignment of the following disciplinary cases: (ACTION ITEM)

a. Officer Arthur A. Gabac (File No. C06-30 SL)
b. Officer David M. Seid (File No. C06-31 SL)
c. Inspector Mark C. Gamble (File No. C06-32 SL)
d. Inspector Richard G. Alves (File No. C06-33 SL)
e. Officer Michael Lewis (File No. C06-35 SL)
f. Inspector Sylvia Morrow (File No. C06-34 SL)

RESOLUTION NO. 25-06

REASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR HEARING ON DISCIPLINARY CHARGES FILED AGAINST OFFICER ARTHUR A. GABAC (FILE NO. C06-030 SL), OFFICER DAVID M. SEID (FILE NO. C06-031 SL), INSPECTOR MARK C. GAMBLE (FILE NO. C06-032 SL), INSPECTOR RICHARD G. ALVES (FILE NO. C06-033 SL), INSPECTOR SYLVIA MORROW (FILE NO. C06-034 SL), AND OFFICER MICHAEL LEWIS (FILE NO. C06-035 SL)

WHEREAS, the reassignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Arthur A. Gabac, Officer David M. Seid, Inspector Mark C. Gamble, Inspector Richard G. Alves, Inspector Sylvia Morrow, and Officer Michael Lewis, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence on behalf of the full Commission in the disciplinary charges filed against Officers Gabac, Seid, and Lewis, and Inspectors Gamble, Alves, and Morrow; therefore be it

RESOLVED, that Commissioner Louise Renne is hereby assigned to conduct taking of evidence on behalf of the full Commission in the disciplinary charges filed against Officer Arthur A. Gabac, Officer David M. Seid, Inspector Mark C. Gamble, Inspector Richard G. Alves, Inspector Sylvia Morrow, and Officer Michael Lewis, and is to be set at a later date.

AYES: Commissioners Sparks, Campos, Marshall, Veronese
ABSENT: Commissioners, Renne, DeJesus

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETING

Commissioner Campos asked how much money is being spent on cultural competency as part of the Department's budget.

Commissioner Sparks would like the presentation, in two weeks, from Patrol Special Officers' Association and asked the Chief or the Deputy Chief for answers to questions asked by the Commission.

Commissioner Veronese would like responses from interested parties regarding his DGO proposals. He stated that he has not received anything from the Department or the OCC.

Commissioner Sparks would like a response back from the Department regarding her resolution on tracking DGOs and asked Captain Keohane to give her the Department's response so that she and the City Attorney can look at them and present a proposal to the Commission.

Motion by Commissioner Veronese, second by Commissioner Marshall to adjourn the meeting.

Thereafter, the meeting was adjourned at 7:42 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 15, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Report on the Department's responsibilities and jurisdiction with Consulates

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

4. Discussion and possible action to prioritize items requested by the Commission (ACTION ITEM)

5. Approval of minutes for the meeting of March 1, 2006 (ACTION ITEM)

6. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Inspector Eileen M. Murphy (File No. C06-039 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

7. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Tenderloin District, Community Meeting Room, 201 Turk Street, San Francisco, at 6:00 p.m.,on Wednesday, March 29, 2006, to hear comments from the public and Tenderloin Captain Kathryn Brown concerning public protection issues in the Tenderloin District.

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
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MARCH 15, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:49 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

(Commissioner Veronese arrived at 6:01 p.m.)

PUBLIC COMMENT

Bole Wang discussed concerns regarding medical marijuana.
Percy Coleman discussed concerns regarding medical marijuana.
Carla discussed concerns regarding medical marijuana.
Unidentified discussed concerns regarding medical marijuana.
Shawna Governor discussed concerns regarding medical marijuana.
Barbara Growth asked who is funding the ACLU.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Report on the Department's responsibilities and jurisdiction with Consulates

Chief Fong updated the Commission regarding the Academy class that has been postponed. Chief Fong stated the funding for that class of 40 originally was in the 05/06 budget. In the supplemental appropriation that was submitted in February, through the Mayor's Office to the Board, there was the desire to move that class forward so that the sooner the class is started the sooner there will be officers available for deployment in the field. The cost for that as well as the increase of the class from 40 to 50 was in the supplemental budget and because the supplemental has not been heard, the Department had no option but to postpone that class. Chief Fong stated that no offers of employment were made to any members who are eligible and who have gone through the process. Those letters generally go out and it's at that time that they would then resign their positions. Chief Fong stated that there is two options that are out there: The possibility of Supervisor Daly convening a special meeting of the budget and finance committee on Monday so that the supplemental for the Department could be heard and then hopefully advance to the full board. The other option is is it possible to take the amount that would necessary for salaries from another part of the Department's budget and then when the supplemental is approve, return funding to that account.

Commissioner Sparks asked when was the supplemental presented to the Commission. Chief Fong stated that the supplemental had moved forward without the Commission's approval because of the time line that had been set by the Board and the Mayor's Office. Chief Fong stated that it's been about four or five weeks.

Commissioner Sparks expressed her concern about the budget process and asked what should be done to support the Department to convince people on the Board and the Mayor's Office that this is an issue that needs to be addressed. Chief Fong stated that she agrees with Commissioner Sparks and stated that with the support of the Commission, having approved the supplemental as well as the 06/07 budget, she would welcome any support in terms of the Department moving forward with the supplemental as soon as possible.

Commissioner Sparks stated that the Commission should move to authorize the President of the Commission to author a letter to the Mayor and

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to the Board of Supervisors encouraging them to move forward as quickly as possible on these requisitions and as quickly as possible on support these new classes and to prioritize staffing with this Department in not only the supplemental but also the 06/07 budget.

City Attorney Molly Stump stated that this is a discussion item and is not an action item on the agenda but the Commission do not need a vote for a letter.

Commissioner Renne stated that the President will send a letter to the Mayor and the Board.

Commissioner DeJesus asked that now that this class is postponed, how quickly can the Department bring the class back when the supplemental is passed. Chief Fong stated the Department is ready to go. The Academy is prepared. All the Department has to do is send the letters out. There are more than 50 candidates already cleared so that if someone changes their mind, there are others that can backfill.

Commissioner Veronese asked how much money the Department is losing by not having the recruits at the Academy. Chief Fong explained that there is currently an academy class in progress and the Department have not sent additional resources to the Academy to support a second class. Chief Fong explained that on a bi-weekly basis the Department is staffing additional resources in the Western Addition, in the Mission, in the Sunnydale, in Hunters Point and that cost approximately $180,000 to $200,000 and that funding, if it can be replaced with full time officers, there would be some savings.

Commissioner Marshall asked about a shooting that occurred last night. Chief Fong stated that there was a shooting in the Mission District that resulted in one homicide.

Deputy Chief Tabak stated there was an incident involving four victims, one of which is deceased, one in critical condition, and two will recover from gun shot wounds. Chief Tabak stated that preliminary the Department believes that it was a drug-related incident and that based on the records of the individuals, dispositions on previous arrests and convictions were so light that in any other jurisdictions these people would have been in custody and therefore, one would be alive and the other three would not be victims of gun shot wounds.

Chief Fong introduced Lieutenant Charles Orkes, new Coordinator of Community Policing. Lieutenant Orkes introduced himself and gave a brief bio. He stated that goal is to establish a partnership with all communities based on mutual trust and respect to reduce crimes, solve problems, problematic issues, and to provide services to people in need.

Commissioner Sparks would like a copy of the community policing plan as far as working with the different district stations. Lieutenant Orkes stated that he works with the lieutenants and the captains at each of the district station.

Chief Fong introduced Lieutenant Dan Mahoney, commanding officer of the Special Investigations Division, to report on the Department's responsibilities and jurisdictions with Consulates.

Lieutenant Mahoney report on the Department's responsibilities and jurisdictions with Consulates. Policies and procedures are covered under Department General Order 5.13 and Department Bulletin 05-175 which covers procedures when foreign nationals are arrested. Lieutenant Mahoney gave some examples of the Department's interaction with Consulates. The

Department get notification of arrests of all foreign nationals and his unit works closely with the U.S. Department of State for any type of consulate notification and any follow-up that occurs. His unit does threat assessment on not only San Francisco issues but also on worldwide issues. His unit is also in charge of dignitary security for foreign heads of state working with the State Department and with the U.S. Secret Service.

PUBLIC COMMENT

Matt Leroy does not believe that more police will solve the crime and stated that there are too many police already and that the solution is community policing.

Barbara discussed concerns regarding comments of the previous speaker about having too many police officers.

Frank Martin Del Campo thanked Commissioner Veronese for his comments in regards to family members of victims of crime.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen gave a brief update in regards to outreach to the Bayview community. He stated that an OCC investigator will be on site every Tuesday from 1 p.m. to 5 p.m. at the Bayview Hunters Point Family Resource Center, 1325 Evans Avenue.

Commissioner Sparks asked about the OCC budget. Director Allen stated the budget was sent on the date that they were due and they have not heard from the Mayor's budget analyst.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO PRIORITIZE ITEMS REQUESTED BY THE COMMISSION

Commissioner Renne went through some of the items requested by the Commission:

1. Issue of Community Policing toward the end of April.
2. Early Warning System to be scheduled in April.
3. Recruitment and training issues and retention.
4. Patrol Specials will be on the calendar for next week.
5. Commissioner Sparks' resolution for next week
6. Commissioner Veronese's general order proposals

Commissioner Marshall asked the Commission to agree on several items that the Commission wants to move on and if the Commission can pick several items that are priority and leave room for things that arise, he thinks that a lot more will be done. Commissioner Marshall stated that any of the Commissioners can ask for a report but just be mindful that every time the Commission ask for something, something else is added to the list when something else has not yet been done.

Commissioner Veronese stated that he will work on the DGO committee along with Commissioner DeJesus.

Commissioner Sparks stated that there are about 105 issues that have not been addressed and in addition, some of the issues have been addressed but have not been resolved. Commissioner Sparks asked that staffing be heard.

Commissioner DeJesus stated that the Commission needs to move forward on the general orders in terms or reviewing and updating. She asked

to take one Commission meeting and make it a committee meeting to review the bulletins and general orders. Commissioner DeJesus asked for the Department's policy and procedures in response to individuals suffering from mental health and a presentation from the District Attorney's Office.

Commissioner Marshall stated that the Early Intervention System is significant because it deals with quality along with staffing. Commissioner Marshall stated that the Commission has to work on the quality issues specially if the Department is hiring more officers.

Commissioner Renne stated that discipline cases will continue to be dealt with as well and she will speak with each of the Commissioners in regards to items mentioned.

APPROVAL OF THE MINUTES FOR THE MEETING OF MARCH 1, 2006

Motion by Commissioner DeJesus, second by Commissioner Marshall to approve the minutes. Approved 6-0.

COMMISSION ANNOUNCEMENTS

a. Assignment of disciplinary charges filed against Inspector Eileen M. Murphy (File No. C06-039 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 26-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR EILEEN M. MURPHY (FILE NO. C06-039 JCT)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Inspector Eileen M. Murphy, Star No. 1263, Domestic Violence Response Unit, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Eileen M. Murphy; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Eileen M. Murphy, and is to be set at a later date.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Sparks would like, under the Chief's Report, as to the Department's position on enforcement of medical marijuana.

Commissioner Veronese asked for an update as to the appointment of a Commissioner as a replacement for Commissioner Chan.

Commissioner Renne stated that there have been efforts to have people agree to be on the Commission and so far there have been no takers.

Motion by Commissioner Marshall, second by Commissioner DeJesus to adjourn the meeting. Approved 6-0.

Thereafter, the meeting was adjourned at 7:04 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 22, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

4. Report from the Patrol Special Officers' Association (DISCUSSION ONLY)

5. Discussion and possible action to adopt Commissioner Sparks' resolution requiring the Police Department and the Office of Citizen Complaints to track and report to the Police Commission all proposals for changes to Police Department General Orders (ACTION ITEM)

6. Approval of minutes for the meeting of March 8, 2006 (ACTION ITEM)

7. Commission Announcements (DISCUSSION ONLY)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Tenderloin District, Community Meeting Room, 201 Turk Street, San Francisco, at 6:00 p.m.,on Wednesday, March 29, 2006, to hear comments from the public and Tenderloin Captain Kathryn Brown concerning public protection issues in the Tenderloin District.

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

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Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on advanced request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty) at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

MARCH 22, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:57 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Campos, DeJesus, Marshall
ABSENT: Commissioners Sparks, Veronese

PUBLIC COMMENT

Lynn Menecuuci, Police Service Aide/SF Airport, President of Airport Chapter/SEIU Local 790, discussed concerns regarding change in working schedules of PSAs at the Airport to rotating shift schedule.

Kenneth Glenn, Union Representative, discussed concerns regarding change of the PSAs schedule.

LaWanna Preston, Staff Director SEIU Local 790, discussed concerns regarding schedule change of the PSAs schedule and asked the Commission to postpone implementation of the change until heard by an arbitrator.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Commissioner Renne suggested that this item be deferred.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Commissioner Renne suggested that this item be deferred.

APPROVAL OF MINUTES FOR THE MEETING OF MARCH 8, 2006

Taken out of order.

Motion by Commissioner Campos, second by Commissioner Marshall to approve the minutes. Approved 4-0.

REPORT FROM THE PATROL SPECIAL OFFICERS' ASSOCIATION

Patrol Special Officer Jane Warner, President of the Patrol Special Police Association, reported regarding Patrol Special Officers.

Ms. Warner stated that following:

"Commissioner, thank you very much. It's an honor to be here tonight. My name is Jane Warner. I'm the president of the San Francisco Patrol Special Police Association. Like many of my fellow police officers I have a long background in law enforcement. In 1983 I started my career as a deputy sheriff for the State of Hawaii Sheriffs Department. I received a degree in criminal justice from Shamanan University in 1986. I was hired by the Honolulu Police Department where I worked undercover in Waikiki and was reassigned to the patrol division. After a meritorious career in Honolulu, I moved to California and received my POST Basic Certificate from Sacramento Safety Center. I was hired as a Police Officer for the town of San Anselmo and I attended night school at the University of San Francisco. In 1993, I joined the San Francisco Patrol Special Police where I was assigned walking a foot beat in the Castro and Upper Market neighborhood.

The Patrol Special Police formed in 1847 has always been considered as the original community police providing San Francisco neighborhoods with supplementary foot patrol. Today, we continue to be the guardians of a very

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unique historical community policing service provider. We all know about the strengths of community policing, how it prevents the escalation of crimes, and how it prevents crime itself. The only negative aspect of community policing are the investments of time and money that these programs traditionally require. A lot of police departments concentrate most of their resources on a linear approach to policing only after the crime has been committed. Get there quickly, preserve the scene, collect evidence, interview witnesses, turn it over to an inspector, arrest the suspect, takes the case to the D.A. who prosecutes in court where the ultimate end is conviction and incarceration of the bad guy.

The Patrol Special Police has a much different strategy. Our emphasis is not on law enforcement but on crime prevention. Our approach is circular, starting in the neighborhood and ending in the neighborhood. Our job is done before the crime ever happens. Community policing is extremely time intensive. Before we even start to walk a beat, we research the area, find the power players, talk to them about issues in the neighborhood, read the local newspapers, know the beats geographical layout from back alleys, parking lots, exits to buildings, attend association meetings, pass out brochures, cover letters explaining our service, collect business cards, and start an extensive email list. That's before we even start walking a beat. Once we have established a beat, officers are committed to community policing with the emphasis on problem solving and neighborhood outreach: walking their neighborhoods, getting to know people on an individual basis, attending community meetings, escorting employees to their cars at night, securing buildings for night time closing, checking on the well-being of an elderly resident or hot spots in the neighborhood.

Patrol Special Officers also give crime prevention seminars to merchants or neighborhood groups and write police blotters for local neighborhood newsletters. Merchants and residents receive our cell phone number and talk to the officer on duty directly about everyday affairs. We are the embodiment of the broken window theory. But this takes a vast amount of time and energy and consistency is the key.

At a time when the need for community policing in San Francisco has never been greater, the San Francisco Patrol Special Police provides the benefits of community policing without placing an additional financial burden on the tax payer. We offer the best community program available in this city. Although our emphasis is on crime prevention, you may wonder can these officers handle quote, unquote "real police work?" Absolutely. When SFPD police officers are understaffed or overworked, the Department has often asked for our assistance. Our officers have proven time and time again that they can and they do help ease the burden by assisting the district stations when they are short-staffed.

To make this point, I would like to read to you a letter written by Sergeant Bob Deltorre, a 33-year veteran of the Police Department.

'I would like to endorse the exceptional work performed by the SFPD Patrol Specials. During the last five years, I was assigned to SFPD's busiest station, Southern Station. I was a platoon commander for the midnight shift on many occasions. Under my command were several patrol specials. Their work was carried out in the most professional way. Not only did they handle calls from merchants who requested their services but these patrol specials went beyond that. They assisted SFPD officers routinely in their daily assignments. Some of the tasks performed by the Patrol Specials were: (1) Handling the majority of burglar alarms in the district. (2) Responding and assisting SFPD officers on felony in-progress calls. (3) Back up SFPD officers on traffic stops. (4) Directed traffic at accidents and fires when requested by supervisors. (5) Frequently assisted SFPD officers gathering witnesses at crime scenes. And, (6) Arrested dangerous and violent individuals often.

The Patrol Specials were extremely dependable carrying out their job assignments and always followed SFPD protocol. Whenever we needed assistance, it seemed that patrol specials were always there volunteering their services. On one particular night, the patrol specials in the Southern Police District assisted in making five felony arrests, recovered a loaded handgun, conducted five building searches, and backed up officers on 12 separate calls. To say the least, it was a very busy night for the SFPD and the Patrol Specials assisted greatly.

I have personally written five Captain's Commendations for their fine police work.'

Another recent commendation, dated March 4th of this month, Captain John Goldberg from Mission Station commended Patrol Special Officer Glen Wilson for his help in the apprehensions of an armed robber. In his memo he wrote:

'This incident was a showcase of teamwork between the patrol specials and a patrol special officer who has always been a valued extra hand at Mission Station.'

On yet another commendation, dated April 25, 2004, Officer Yamaguchi wrote to the district Captain Kathryn Brown:

'I wish to bring to your attention two San Francisco Patrol Specials assigned to Tenderloin Police Station. I'm speaking of Officers Todd Hart and Scott Hart. On the tragic night of April 10, 2004, Officer Espinoza, Badge No. 64, lost his life due to gang violence. During this incident, a police radio broadcast went out requesting a 406, Officer needs emergency help. Officers from all over the city responded to this urgent request for help leaving virtually no officers to cover the district. Due to the shortage of officers, several calls for service went unanswered. Patrol Special Officers Todd Hart and Scott Hart began to respond to calls left pending in the District. I witnessed both officers assist in a large fight at Mission and 4th Street, an auto burglary in 10th Street, as well as noise complaints at Folsom and Howard. All tolled, I would estimate that both officers handled 15 calls for service and police backup during the early morning hours. If not for the efforts shown by these two officers during that night, the citizens in the Southern and Tenderloin Police Stations would not have had prompt police services.'

All these commendations and many more praise us for rising above the call of duty and assisting the regular police force. We have proven for over 150 years that, not only do we provide a valuable service in community policing, but we assist SFPD by adding additional uniforms to our streets as well.

However, if we are going to reach our full potential and be effective in our neighborhoods, we have some issues, Commissioners, that only you can help us resolve. One of those issues that needs immediate attention are our rules and procedures. Although we are allowed to make arrests, write reports, book evidence at the district level, we are not allowed to, according to our rules and procedures.

For example:

Rule 1.05 states, Patrol Special Officers are not expected to nor shall they engage in general law enforcement duties. Therefore, no need for peace officer status exists.

Rule 4.05, Patrol Specials shall summon a police officer to make courteous or proper referral whenever a person asks them to accept a report of

a police incident.

Rule 4.06, Patrol Specials shall as soon as possible call to the attention of a police officer all incidents requiring police attention.

We tried to follow these rules and so did our immediate supervisors for a while. But because of the fact that we wear a police uniform, we carry a radio, and very visible to the general public by walking our beats, we were always coming in contact with incidents required police attention. Calling on a police officer every time someone needed assistance drained manpower and eventually our rules were virtually ignored.

Another issue that we are having is training. As a direct result of our rules, the Department does not give us any training that would conflict with those rules. Therefore, although the Department is responsible for our training, we're not given POST-certified courses. As outlined by our liaison two weeks ago in front of you, Commissioners, we are trained only on such simple tasks as memo taking and CPR. Even though the rules and procedures implemented by the 1994 Commission were intended to take away our peace officers' status, after 12 years they have failed to do this.

Still and since the rule changed, as a group, we have made hundreds of arrests, filed hundreds of police reports, put hundreds of pieces of evidence, all documented with the supervisor's signature. Even the Police Commission itself has given us awards thanking us for excellent police work. This is a clear indication that we are expected to and do engage in general law enforcement duties. Therefore, peace officers status does exists.

Rules are to be respected but when they outlived their purpose and actually hinder progressive thinking, it is time that they change. According to the Charter, Patrol Special Police Officers are structured within the Police Department. They wear the uniform of the San Francisco Police Department. They wear the insignia of the San Francisco Police Department with the additional words "Patrol Special" at the top, and they have a San Francisco Police identification card and they are under the command of the Police Commission, the Chief of Police, and the hierarchy of the San Francisco Police Department to whom they must answer.

The unequivocal use of both the words "police" and "officers," singularly and in conjunction, in describing this position in the Police Department is a clear manifestation of the intent of the framers of the Charter to invest Patrol Special Officers with at least some police duties. Therefore, we are not security guards. We are not private patrol operators, and we are not watchmen, and we are not registered with the State under Consumer Affairs. Our Chief is not the Chief of Security Investigative Services. Our Chief is Heather Fong.

In four separate opinions in 1966, in '69, and in 1980, in 1987, the City Attorney's Office was posts the question Do Patrol Special Police Officers in the City and County of San Francisco have peace officers status? In all four occasions, the conclusion was yes. The last opinion, written by your office, President Renne, came to the following conclusions: (1) The City has the power, under the California Constitution, to provide this Charter for the composition and regulation of its police force. (2) The Charter empowers the Commission to delineate the powers and duties of Patrol Specials including such powers and duties as it would make them city police officers with peace officers status. (3) By adopting the existing rules, the Commission has given Patrol Specials powers and duties that render them peace officers within the meaning of the state law. With respect to this final point, the Commission rule 2.01 grants Patrol Specials express power and duty to prevent crime, protect life and property, detect and arrest offenders, preserve the public peace, and

enforce all penal laws and ordinances.

Last month, during the meeting on the Board of Supervisors select committee on ending gun and gang violence, police officials from the Department's 10 district stations stated that they have over 100 community policing programs in progress and yet, Alan Nance, the Director of the Mayor's Office of Criminal Justice, acknowledged the city's current community policing strategy is not working. It is time, Commissioners, to reach out and form partnerships with all available resources offered in San Francisco to help with this endeavor. This City cannot or should they be expected to carry the burden alone. The Patrol Special Police is prepared to assist in the City's endeavor toward community policing and with your help, Commissioners, we can do this.

We ask for a subcommittee formed by the Police Commission to rewrite our rules and procedures so that they adequately reflect this endeavor. (2) We ask that our officers receive the tools necessary to do the job right and to protect their safety. (3) We ask for more advance training. And, (4) we ask to streamline our hiring so that we have a documented criteria and process that is consistent.

You have the power, Commissioners, to give us the tools necessary to do our job more effectively and to help us both better serve the citizens of San Francisco. If you choose to allow us to continue on this new horizon, we could form public/private partnerships with many city agencies that have asked for our help. One such agency is DPW, and I'm not sure if Chris Montgomery is here ... I would like to introduce to you now, Chris Montgomery. She the Assistant Superintendent from the Department of Public Works. She is here to explain an exciting new direction that community policing has taken in the partnership between Patrol Special Officers and DPW."

Ms. Chris Montgomery described some of the events in which patrol specials officers have worked with DPW.

Commissioner Renne asked if Patrol Specials are assisting DPW, how is that funded. Ms. Montgomery stated that they are exploring avenues along that line as far as if any tickets are issued, then the Patrol Specials would receive that funding. Ms. Montgomery stated that DPW would not pay the Patrol Specials. Ms. Montgomery stated that they are exploring the idea of Patrol Specials getting a percentage of whatever ticket they have written.

Commissioner Campos stated that he does not feel comfortable with the concept of a percentage because he stated that it creates incentive for people to issue more tickets than maybe they should even if that is not the intent but there would be that perception.

Commissioner Campos stated that the issue of funding is critical and would like to hear what role DPW sees for Patrol Specials. Ms. Montgomery stated that DPW writes their own tickets and the Patrol Specials have observed them for the last years in terms of how they approach merchants, how to give warning and to give merchants and individuals every opportunity to do the right thing. Ms. Montgomery stated that DPW does not have a dedicated staff towards enforcement and believes that consistency is critical.

Commissioner Campos asked about conflict of interest as far as a merchant who does not have a contract versus a merchant who does have a contract in terms of issuing citations. Ms. Montgomery stated that the Patrol Specials did observe them for a year in terms of approaching merchants and that issue was something that they had addressed together and worked out.

Commissioner Renne stated that DPW does not have contracts with

merchants. Ms. Montgomery stated that no they don't but they do a lot of regulation in a lot of different areas.

Commissioner Renne stated that DPW does not get a percentage of the tickets. Ms. Montgomery explained that the ticket money comes back to the department to help fund the department.

Ms. Warner introduced Mr. Jim Pastor, a former Chicago police officer. Mr. Pastor talked about private policing. He gave the Commission a copy of his book, "The Privatization of Police in America."

Commissioner DeJesus asked what happens to merchants who don't pay. Do they not get the services or would they be in a disadvantage. Commissioner DeJesus also asked if Chicago still have private policing. Mr. Pastor said that Chicago still have private policing but it is unregulated. As for merchants who don't pay, they get the ancillary benefit.

Commissioner Renne asked about accountability and have the patrol specials thought about accountability and having the OCC over patrol specials if there are new duties to be performed. Mr. Pastor stated that if the OCC investigates the police, then the OCC should investigate the patrol specials.

Commissioner DeJesus asked about clearance to work as patrol specials and how many patrol specials are waiting for clearance to work a beat. Ms. Warner stated that they have beats that are bought and purchased but there has been confusion about how patrol specials are hired and the process and criteria for doing that. She stated that they have one applicant that's been trying to get in since 2003 and they are not told why it is taking this long. Ms. Warner explained that they report to the district station and they sign in on a nightly basis. Ms. Warner explained that a lot of patrol specials already come with the training and they are supposed to have an updated three-day course from the San Francisco Police Department. But because the rules are in direct conflict with the training because patrol specials cannot engage in any general law enforcement duties, the Department cannot train them for general law enforcement duties.

Commissioner Marshall stated that the concept of police and quasi police does not make sense to him. He stated that this is something that was put in a long time ago under a very different San Francisco and has stayed for whatever reason. Commissioner Marshall would like documents as far as the history of patrol specials with the Police Department.

Commissioner Renne stated that she will volunteer a couple of people, Sergeant Reilly, City Attorney's Office, and a couple of people to prepare some factual historic materials and putting them together.

PUBLIC COMMENT

Ed Jeum thanked police officers of the city of San Francisco and expressed support for community policing and asked to look at different alternatives.

Richard McGerry, Chair of Steering Committee of Buena Vista Neighborhood Association, expressed support for patrol specials.

Eric Arguello, President of Lower 24th Street Neighborhood Association, expressed support for patrol specials.

Dave Cruz stated that patrol specials have been on the city Charter longer than the police department. He expressed support for patrol specials and forming a subcommittee to try to examine how patrol specials can get reintegrated back into the Department.

Mark Schlosberg, ACLU, expressed concerns regarding a traffic officer getting paid off of tickets that they hand out and for the same reason patrol

specials be paid based on the tickets that they've issued. He also expressed concerns regarding accountability. He also suggested that the Commission should solicit opinions from experts.

Unidentified discussed concerns regarding financial problems.

Matt Leroy stated that he has the same concerns as Mr. Schloberg.

David Bach, upper Market/Castro area merchant, stated that he's know Jane Warner for about 15 years and expressed support for patrol specials.

Commissioner Renne announced that the meeting has to adjourn because the Chief and Commissioner Sparks are still downstairs and will be there for awhile. She asked that Commissioner Sparks' resolution be put over.

Commissioner Renne announced that Supervisor Maxwell asked for a joint committee meeting with the Commission and the Board with regard to community policing, crime prevention, and other topics. She stated that at the supervisor's invitation, the Commission ought to accept. She asked Sergeant Reilly to reply in the affirmative to Supervisor's Maxwell's request. Commissioner Renne also announced that she will be out of the country for the next three weeks and that Commissioner Veronese will also be out for the next three weeks and the four remaining Commissioners will be the quorum.

DISCUSSION AND POSSIBLE ACTION TO ADOPT COMMISSIONER SPARKS' RESOLUTION REQUIRING THE POLICE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS TO TRACK AND REPORT TO THE POLICE COMMISSION ALL PROPOSALS FOR CHANGES TO POLICE DEPARTMENT GENERAL ORDERS

Put over to April 5th.

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the Commission will meet in the Tenderloin District, Community Meeting Room, 201 Turk Street, at 6:00 p.m., on March 29th.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner DeJesus asked about changing one of the Commission meetings to review Department General Orders.

Commissioner Renne stated that that item be put along with Commissioner Sparks' resolution because there are some overlaps.

Motion by Commissioner Marshall, second by Commissioner Campos to adjourn the meeting. Approved 4-0.

Thereafter, the meeting was adjourned at 7:36 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

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Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 29, 2006
6:00 p.m.

TENDERLOIN DISTRICT
Community Meeting Room
201 Turk Street
San Francisco, California

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Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

3. Approval of minutes for the meeting of March 15, 2006 (ACTION ITEM)

4. Commission Announcements (DISCUSSION ONLY)

5. Captain Kathryn Brown, Commanding Officer of Tenderloin Station, to address the Commission on Police Activities in the Tenderloin District (DISCUSSION ONLY)

6. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

7. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 29, 2006
6:00 p.m.

TENDERLOIN DISTRICT
Community Meeting Room
201 Turk Street
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

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The proceeding will be held at: Community Meeting Room, 201 Turk Street, San Francisco

Accessible MUNI lines serving this location is: 31 Balboa & Muni Metro on Market Street
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center Plaza

Accessible parking _____

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

The San Francisco Police Commission
and the Officers of Tenderloin Station
invite you to attend

A Special Meeting of the Police Commission
Wednesday, March 29, 2006, at 6:00 p.m.

Community Meeting Room
201 Turk Street
San Francisco, CA 94102

This is your opportunity to address the governing body of the San Francisco Police Department. Residents, Merchants, and Community Members of the Tenderloin District are invited to voice their concerns directly to the San Francisco Police Commissioners.

Captain Kathryn Brown will present a

"State of the District Report"

A public comment period will follow.

MARCH 29, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Tenderloin District, Community Meeting Room, 201 Turk Street, San Francisco, at 6:14 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Campos, DeJesus, Marshall
ABSENT: Commissioners Renne, Veronese

Commissioner Sparks welcomed the audience and asked the Commissioners to introduce themselves.

CHIEF'S REPORT

a. Review of Recent Activities

Chief Fong welcomed the audience and introduced the members of the Command Staff. Present were Deputy Chief Pengel, Deputy Chief Shinn, Commander Harper, Commander Craig, Deputy Chief Parra, and Commander Tacchini.

Chief Fong updated the Commission in regards to the Finance and Budget Committee held last week. Chief Fong thanked the Commissioners for their attendance at the hearing. Chief Fong stated that the academy class was approved and letters were sent out and on Monday, April 10th, there will be 50 new people joining the SFPD in the 211th Academy Class.

Chief Fong also stated that in addition to the academy class, $1.3 million of an overtime supplemental request was approved. That was not the total request, however, with the money that have been allotted, the Department is breaking down pay period by pay period what the expenditures are anticipated to be. Also, Chief Fong stated that the Department has prioritized violence reduction in the communities and amounts of funding have been given to the Captains. Chief Fong stated that special events and the other responsibilities that sometimes require overtime have not been prioritized as a front burner item. She stated that that's Phase 2 and will be put together and presented to the Commission because she believes that the Department will have to go back and request additional funding at a later date.

Chief Fong stated that two items of significance that were not approved are (1) the I.T. consultant. This is the $200,000 request that is critical to help put together a road map for technology within the SFPD and it was based upon this consultant's work that future expenditures in terms of costs required would be based. Chief Fong stated that the Department will look at other options to fund that. The other area that was not funded is monies for a number of part time hires that conduct background investigations for any employee who is hired, sworn or non sworn.

Commissioner Sparks stated that the Chief assure the public that the Department is able to fund the violence prevention programs. Chief Fong stated that that is the priority for the Department and the number of hours provided to the District Station Captains, some was exactly what was requested.

Commissioner Marshall thanked Commissioner Sparks for her hard work with the budget. Commissioner Marshall asked what the homicide rate is today as compared to last year. Chief Fong stated that there has been 13 homicides this year and last year, at this time, there were 21 homicides.

Commissioner Campos thanked the Chief and Commissioner Sparks for their work on the budget. Commissioner Campos asked Chief Fong if she can talk about some of the strategies being done in regards to homicide. Chief

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Fong stated that in 2004 the Department started seeing an increase in homicides predominantly in the Western Addition, in the Sunnydale, and in the Bayview Hunters Point area. The Department targeted specific strategies to identify those individuals known to be involved in violent crimes. Based on a very targeted strategy, the Department looked at those that were involved and made sure that whenever cases were made, all information are brought to the District Attorney's office or to the State and Federal law enforcement entities. The Department also focused on the issue of gun activity and narcotics. Enforcement efforts were done to reduce the narcotic activity and the Department also worked with federal authorities so that any person who had a prior conviction, a felony conviction, whenever they were apprehended with a firearm, that case would be taken at the federal level because the consequences are far greater at the federal level in some cases than at the local level. Based on those types of initiatives, the Department feels that there was impact.

Chief Fong also stated that in addition to that, there was a tremendous impact based on some indictments that were handed down by the U.S. Attorney's office. They have used the Grand Jury process very successfully and the Department believes that many of the reductions in homicides and shootings in the Sunnydale area was primarily because of the indictments that came down in that community. Chief Fong stated that, unfortunately, the spike in homicides is not just in San Francisco. It is seen in Oakland, on the East Coast, in Boston, in Milwaukee, and that there is a dynamic there that nobody can quite put their finger on and so the Department is trying every single option that it has in order to improve the situation.

Commissioner Marshall asked if the District Attorney's Office can be invited to speak to the Commission in regards to procedures.

Commissioner Campos asked the Chief as to what is being done to work closely with the Public Defender's Office, the District Attorney's Office, and all other agencies in the city. Chief Fong stated that every morning at 8:30 a.m., they have a Public Safety Cluster phone conversation and it is the Police Department, the District Attorney's Office, the Mayor's Office of Criminal Justice, the Housing Authority, Juvenile Probation, Adult Probation, and the Department of Public Health. The group discusses all of the incidents that occurred the night before, if there are any, and coordinate and collaborate on the Departments' responses to that incident. On Wednesdays, at City Hall, there is a larger meeting where additional number of entities come forward. The goal is the public safety of the citizens of San Francisco.

OCC DIRECTOR'S REPORT

a. Report on the function of the Office of Citizen Complaints

Director Allen described the duties and responsibilities of the Office of Citizen Complaints.

APPROVAL OF MINUTES FOR THE MEETING OF MARCH 15, 2006

Motion by Commissioner DeJesus, second by Commissioner Marshall to approve the minutes. Approved 4-0.

COMMISSION ANNOUNCEMENTS

None

CAPTAIN KATHRYN BROWN, COMMANDING OFFICER OF TENDERLOIN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN DISTRICT

Captain Brown addressed the Commission on police activities in the

Tenderloin District. Captain Brown described the organizational chart and the demographics of the Tenderloin Station.

Commissioner Sparks asked about requests made for cameras in the Tenderloin. Captain Brown stated that the district captains were asked to submit areas in the districts where they felt the cameras would be valuable. Captain Brown stated that she has not heard anything but will probably get a surveillance camera in the Tenderloin very shortly.

Commissioner Sparks asked about staffing and how is the shortage of 14 officers impacted the station's ability to enforce the laws in the Tenderloin. Captain Brown explained that in the Tenderloin, targeted enforcement has to be done and to do that requires additional officers. Captain Brown explained that she works with Southern Station and combine resources specially for U.N. Plaza. Captain Brown also stated that in February she had six officers that were injured from very violent resistors and she stated that the tendency is to have more and more violent resistors because of increased use of methamphetamines in the Tenderloin.

Commissioner Sparks asked about homicides. Captain Brown explained that two of the homicides were shootings and one was domestic violence related and one was a result of an assault.

Commissioner Sparks stated about the significant increase in several crime categories in the Tenderloin and asked for comments from Captain Brown. Captain Brown stated that it is from drug usage in the district. Unfortunately, for many reasons there are many services for people who are addicted to drugs in the Tenderloin and that brings an element to the district that is not desirable.

Commissioner Sparks asked Captain Brown if one of the reasons the station's ability to more effectively community police is the lack of personnel. Captain Brown agreed. Captain Brown stated that it is frustrating because she can see what would work but she simply doesn't have the staffing.

Commissioner Marshall stated that he would like to get some comparative data by districts. Chief Fong stated that starting at the end of April each of the Captains will be participating in the Department's version of comstat and so as the Department moves forward with those, the Department will be able to provide those reports to the Commission.

Commissioner Sparks asked if the stats are available to the community. Captain Brown stated that a copy of the book that is provided to the Commission is available to the community.

Commissioner Campos asked Captain Brown what her definition of community policing is and how that fits with the uniqueness of the Tenderloin neighborhood. Captain Brown stated that community policing works really well in the Tenderloin because it is a small community and a very tight knit community so when a community member calls her, she can have them clearly identify who's dealing drugs at what time, at what place, and then she can target her enforcement. Captain Brown also stated that the Tenderloin community is not reluctant to come forward. She stated that it is not a community that's afraid of some type of intimidation for the most part. Captain Brown stated that aggravated assault is a great concern in the Tenderloin.

Commissioner Campos asked if there is any special training for officers in the Tenderloin to address the unique issues that they are going to deal with. Captain Brown stated that the training officers are really really good with the young recruits. They are very patient with them and they ease them into the

job. Captain Brown stated that it is more time and experience in the district than it is anything else. She stated that it is getting out there and talking to the people that teaches officers how to deal with the community.

Commissioner DeJesus asked if the station has enough multilingual officers. Captain Brown stated that she could use more Vietnamese-speaking officers because the district has a large Vietnamese community.

PUBLIC COMMENT

Robert Jordan, Better District 6 Vice President, presented a plaque to Captain Brown.

Hank Wilson, former manager of Tenderloin Aids Resource Community Center, talked about a shooting incident and talked about how the suspect was apprehended due to the community working together with the Police Department and asked the Department to review witnessing practice and policy. He also asked the Commission for their support for permanent needle disposal site(s) in the Tenderloin area where people can dispose of needles safely so that people cannot retrieve them.

Abdul Langehey, homeless advocate, welcomed the Chief and the Commission to his community. He thanked Chief Fong and her staff for her help in feeding the community.

David Villalobos, Director Community Leadership Alliance, recognized Captain Brown for her extraordinary service and leadership to the Tenderloin Community.

Matt Leroy stated that there is a need for effective treatment programs to offer people a way out.

John Nulty discussed concerns regarding establishment of off sale liquor license in the community.

Tamica Moss, Tenderloin Neighborhood Development Corporation, asked for effective rehabilitation efforts that is aligned and correlated with law enforcement will have a better outcome in decriminalizing the addicts. She also stated that the decrease in the number of officers are really apparent due to response time being much slower.

Michael Nulty, program director of Tenants Association Coalition of San Francisco, discussed some concerns. He requested that a change in the format of the monthly Tenderloin Community meetings. He asked for more interaction during the meetings. He also asked for more police to walk around the neighborhood.

Joseph Contreros thanked the Department for police presence in the area because it is a deterrent against drug addiction.

Bruce Wyndom, Tenderloin resident, discussed concerns regarding drug problems.

Faulk Radman, store owner, stated that he noticed an increased on drug activities in front of his store, from the corner of Jones Street up to the daycare school. He stated that police presence helps with stopping sales of drugs.

Earl Rogers, San Francisco Rescue Mission, he asked that stay away orders be part of the statistics and asked for federal prosecution of drug dealers. He also discussed concern regarding officers not living in the city in case of an emergency.

Voda, business owner, discussed concerns regarding drug dealers on Turk Street.

Carolyn, lower Polk, discussed concerns regarding social problems and funding.

Elaine Zamora, North of Market Tenderloin Community Benefit District, stated that stay away orders is the way to keep people out of the neighborhood.

Gia Grant, Executive Director of San Francisco Clean City Coalition, discussed concerns regarding drug dealing in the neighborhood and asked for more officers.

Unidentified, nightclub owner, discussed concerns regarding actions of

young adults of today and how they are more prone to violence.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Campos would like more information regarding homicide in the Mission District and would like a report regarding increase in violent crimes.

Motion by Commissioner Marshall, second by Commissioner DeJesus to adjourn the meeting. Approved 4-0.

Thereafter the meeting was adjourned at 8:10 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 5, 2006
5:30 p.m.

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CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

04-05-07A11:08 RCVD

Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Report on progress toward development of the Early Intervention System
   c. Presentation of Officer-Involved Discharge Fourth Quarter 2005 Report

3. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

4. Discussion and possible action to adopt Commissioner Sparks' resolution requiring the Police Department and the Office of Citizen Complaints to track and report to the Police Commission all proposals for changes to Police Department General Orders (ACTION ITEM)

5. Approval of minutes for the meeting of March 22, 2006 (ACTION ITEM)

6. Commission Announcements (DISCUSSION ONLY)

7. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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47 Van Ness, 5 Fulton, 31 Balboa
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The closest BART Station is: Civic Center

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The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

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APRIL 5, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco at 5:48 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Campos, DeJesus, Marshall
ABSENT: Commissioners Renne, Veronese

PUBLIC COMMENT

Ace Washington asked the Commission to review his request regarding his press pass.

Barbara Growth discussed concerns regarding the case of Officer Nelson.

Matt Leroy discussed demonstration where an officer got hurt.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Report on progress toward development of the Early Intervention System

c. Presentation of Officer-Involved Discharge Fourth Quarter 2005 Report

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Chief Fong updated the Commission on a barricading suspect incident last night. The incident was resolved peacefully.

Chief Fong also stated that on Monday, April 10th, the 211th Academy class will begin.

Commissioner Sparks asked about the officer that was injured during an officer-involved shooting incident. Chief Fong updated the Commission on the incident and stated that officers were taken to SF General Hospital and released that evening with no serious injuries.

Commissioner Sparks asked the Chief, due to recent violence in the city, to reassure the community that the violence reduction resources are being made available or not made available and whether the overtime situation may or may not impact the recent incidents. Chief Fong stated that the violence reduction overtime allotments were provided to the Captains on the Friday of the week of the budget hearing. Chief Fong stated that that was the first priority of the Department and the Department did put that as the primary priority with all other overtime secondary.

Chief Fong explained that on every shooting and homicide, the Department of Public Health Crisis Response Unit is immediately notified because there are a lot of things that can be helpful to the public, to the family, where through intervention in terms of emotional support as well as helping a family that is going through a traumatic situation. Also, through DPH, they actually work with the various community CBOs in order to do even more within the community. Chief Fong also explained that in terms of the enhanced staffing that can be deployed through overtime means, foot patrol officers is one of the options that the captains use. Chief Fong stated that in the Bayview, in the Western Addition, and in the Mission, there have been enhanced foot beats based on the violence reduction staffing.

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Captain Keohane reported on the progress toward development of the Early Intervention System. Captain Keohane stated "the purpose of the presentation tonight is to inform the Commission of the progress we've made with the Early Intervention System, to clarify some concerns, and advise the Commission and the public on what our next steps would be.

You all have the copy of the discussion draft and letters from both the ACLU and the OCC citing their objections. I think we're already moving in the right direction. The purpose of this is to bring all the parties together to clarify some of these issues, begin a good dialogue, and be able to complete this part of the project within the next eight to 12 weeks so we've already accomplished part of our goals here. Along with the POA, who has been part of the process in the last few months, we will now have all the major concerned parties together.

What I'd like to do this evening is bring the new Commissioners up to snuff, shall we say, is begin by discussing a little bit of the past history, where we are now, where we want to be.

The history of the Early Intervention System, where we are currently in the process right now began approximately three years ago with a report by the Controller's Office and also a document by the ACLU documenting the deficiencies in the current order 3.19 or the Early Warning System. The Department recognize the need to update that document. We wholeheartedly agree that it should be updated. The POA also demanded changes on other areas that they also wanted changes.

The main problem with the old order was it focused on one issue and one issue only, and that was citizen complaints lodged against members. New studies in this field show that citizen complaints in and of themselves are not a valid measure if we can improve an officer's performance. When this was first – when we first began this process approximately three years ago, the Department worked with Mark Schlosberg from the ACLU in putting together a draft or a proposal. However, in putting this draft together, the OCC and the POA were not included in the process. The Department recognizes that this was a mistake. The order was also presented to the Command Staff. The Command Staff provided feedback that it was negative in nature where this should be a positive order to include performance. Some of the indicators were duplicative; staffing issues were not addressed; training was not addressed; and, at that time, there was no technology infrastructure in place that would support this program nor was there a reasonable expectation when it could be anticipated.

The POA looked at the order. They also found that it was negative. The indicators were overly broad. There was a question of fairness in the indicators; also, issues of confidentiality of records, and the question of supervision and responsibility.

Now, the last update that the Commission received on this order was on October 12, 2005. Many issues of the ACLU and the OCC in their letters that you have now before you were addressed at that time. Number 1 was we felt that the policy statement should be positive.

Commissioner Marshall, while reading the draft, stated that he felt it addressed the issue of making it positive and it was good nature. However, his question was it addressed just stress of the officers and he wanted something that would address the community and the service to the community. To this, we added the last line in the second paragraph where it states, 'The intent of this system is to provide non disciplinary intervention whenever possible to assist our members in a professional discipline in order to provide the highest level of service and professional conduct to the public.' Commissioner Sparks also made reference to that. We added those issues.

Also, we looked at the indicators. The indicators that are placed in the order by the ACLU are all based on indicators that are taken from other agencies. These agencies received their indicators from the court mandated Consent Decree that they were forced to enter into due to a pattern of practice

of misconduct that was specific to their agencies. Any Consent Decree literature you will read will state that indicators for an agency should be specific to that agency and be able to be justified by that agency. You can't take a round peg and put it in a square hole.

Many of the indicators that are taken for the ACLU document were derived from the Oakland Consent Decree. Some of their indicators – one of them, for example, is how many time an officer signs out for a pepper spray cannister from the property clerk. The Department did not feel that was a relevant indicator as anytime an officer uses pepper spray that would be required to be entered into the use of force log which would be an indicator into itself in San Francisco. We don't know how Oakland tracks their use of force indicators.

We went through all the indicators. The indicator in the first draft also listed all FTAs should be part of the process. That's failure to appear. In San Francisco, anytime there's a failure to appear, that would generate the Management Control Division complaint which is listed as one of the indicators. Therefore, it's duplicative. They also list any arrests by a member. Anytime a member is arrested, that generates a Management Control Division investigation. Therefore, that would be duplicative.

As I said, we went over each of these suggested indicators that were proposed in the original proposal in detail and this was in meetings that were attended by both Commissioner Gayle Orr-Smith at the time and also the City Attorney, and this is how we came up with the indicators and the associated factors that you'll see in the order before you.

One of the indicators that was removed was that all in-custody deaths would be an indicator. Commissioner Sparks, at the October 12th meeting, asked how would you place any kind of responsibility on a person if they were sitting somewhere in the police car and died of a heart attack, for instance, and there was no physical force used or more appropriate to compound the problem. But if two people arrested an individual on the street, he or she is transported into a holding facility by another officer, came in contact with another officer in charge of the holding facility, who would get the indicator for the in-custody death. These are some of the questions that arised.

Also, Commissioner Veronese, in dealing with OCC complaints as indicators wanted those to be more specific in nature so we could track what the actual violation was in terms of Department General Orders, and we're looking forward to discussing this with the OCC to see how we can add that to the program.

We have provided this draft document. It's a compilation of our discussions with the City Attorney, the POA, and Commission Smith before she left. It also presents some of the best practices from other agencies throughout the nation. One thing – and that's how we put this order together. But as you notice, at the top of this order, this is not a finished draft. We are not presenting this for action. We're presenting this so all people can enter into dialogue and we can come up with the best possible program there is.

One of the things that we learned and we're wishing to share with those people that have concerns is the original order was drafted from the ACLU three years ago. Many of the suggestions that are in that order are put forth by a person by the name of Samuel Walker who is a doctor of criminology, recently retired from the University of Nebraska at Omaha.

Members of the Department had the opportunity to attend the conference in Phoenix last week. Mr. Walker was the opening speaker. The way he opened his presentation was he held up his book, which I have here,

that was published three years ago, and he just started saying, he goes, "This was the bible three years ago." He goes, "Now you might as well consider that the old testament." He goes, "So much has happened and I have learned – " Sam Walker says, "I have learned so much. Material in that book is outdated." He provided two new documents where he says this is the future of early intervention. We are hoping to share this with all concerned parties once again so we can have the best possible program that can be put in place.

At this four-day conference we've learned the state of the art. We also learned what we can use to make this successful. And besides just the policy, which we will be addressing, there's also training concerns. There's also, as we said, I.T. concerns and, of course, human resources.

What you read in this order, the Department itself, we recognize, after coming back – I circulated this before we left – we want to make changes. We want to hold front line supervisors more accountable for the conduct of their employees, and we will bring this forth in discussions.

What we also learned at this meeting was we are ahead of many agencies that have supposedly early intervention systems in place. One of the major themes that was put forth there was labor has to be included at the very onset. Everybody has to understand the benefits that this is a program to save people's jobs, to help them rather than be a disciplinary system.

San Francisco was pointed out as being at the forefront there. Not only did we have members of the Department there, we also had – the POA sent three members so that they can learn what the benefits of this program were and how to use it. From there, we've learned that also the training should be a two-stage process and this is where we're going to be going now. Within the next quarter training process first is that we believe that we're going to have to educate all members, not only the Department but the community where are the early intervention system is, where it is going, and what it can be. With that, Captain Roth at the Academy will be developing lesson plans for the next 8 to 12 weeks so that we can review them and possibly disseminate those to all our members, through roll call training, video messages, and so on.

We're also going to have to develop training, and this will come later, but for our supervisors. What you'll see in these programs are supervisors are the linchpins of any successful program. We are going to have to train our supervisors how to be coaches, mentors, and trainers. We will undertake that responsibility.

I.T.: We are going to continue to move on the I.T. process. We have looked forward, once again this is incumbent on the infrastructure that we were hoping to have in place. I have Ms. Anita Sevilla from our I.T. Unit here that will be able to address some of those issues for you, and we're moving forward with that. Hopefully, we will be able to present a R.F.P. within the next 8 to 12 weeks. During this time, as we're going through the technology and the training things, I hope to begin and complete the policy discussions with the OCC, the ACLU, the POA, and other community groups that wish to come forward. That is our goal for the next 8 to 12 weeks.

Hopefully we'll begin training in the fall and be able to move forward. Once again, if we are able to make our deadlines, one of the key elements are are we going to have the resources, both the financial and technological and human resources, to move forward. As I have stated to you and I believe you'll see we're not waiting, we're doing everything within our power at this time to keep the process moving forward. I'd be happy to answer any questions you may have."

Commissioner DeJesus: I mean the policy statement. I think the

original policy statement was a very strong statement. I don't see that it was a negative thing that when the Police Department says misconduct complaints will be taken seriously and it's the responsibility of the commanding officer to systematically review the complaints in order to be aware of the behavior patterns which may need to be addressed. I don't see that as negative. I think that's a very important policy statement. I don't know why it was deleted. I would ask you to reconsider that and look at that because I think we need to make a strong statement to this community that we do take it seriously and the commanding staff is – it is they're obligation to review that. So – I just wanted to say –

Captain Keohane: I think maybe – I don't think anything you said is an error. I think it's maybe appropriate. And I think and I agree that the Police Department does agree but does it belong in this order? That is the question. The question maybe more appropriate as we redraft General Order 2.04 which deals with citizen complaints against members. That would be the most appropriate. This order, if you look at it, citizen complaints of misconduct is one facet of approximately 23 indicators and associated factors.

Commissioner DeJesus: Right but you have – I mean, I guess you need to put it into perspective. It does deal with police misconduct. It does deal with citizen complaints, officer discharging his gun, officer shooting. These are the trigger factors that your command staff is going to look at. This is something the public looks to us as what are we doing about this and I think we need to let them know that we take it very seriously and we are addressing it. And I understand this is non disciplinary action but it encompasses such serious issues that we need to make a strong policy statement.

Captain Keohane: And we will talk that but just the one thing that I think members may cringe about, Commissioner, is when you say officers firing guns and then you put that – that is not misconduct

Commissioner DeJesus: I understand that.

Captain Keohane: Sometimes officers have to defend themselves.

Commissioner DeJesus: I understand that. But some of the triggers are when officers involved in shootings.

Captain Keohane: And it's not misconduct.

Commissioner DeJesus: I understand that and I apologize to you and the Department. I don't mean to mis-speak but since the triggers are so serious and the fact that, you know, that the Chronicle report that we couldn't even address the statistic that the Chronicle put forward, that we don't have a computer that can talk to each other, that we can't at a moment's touch come up with the statistics to refute the Chronicle arguments that it made. The fact that they were able to point that officers had number of complaints or had civil actions that had been paid out money from the city and these officers have been promoted through the Department and in fact have been training the recruit officers is really a serious area of concerned and I think with the early warning system, hopefully, can put the Department in the right path to identify officers that not only have personal, you know personal assisted issues or job stress but may have problematic behavior. I mean I think we need to put it out there that is something it's looking for.

But let me ask you some questions. I looked at the points system. I do not understand how this points system works. I would ask you to give me an idea of what the points system. I believe it's on page 4, Early Intervention System Indicator Entries. I'm not sure when you say five or more EIS indicator points or three or more citizen complaints, if you can explain how

you came up with these numbers and how it's really gonna work in reality.

Captain Keohane: Okay and once again this will probably be modified as we move on. One of the issues it raised at the convention is numerical point values in and of themselves are not an accurate reflection of whether there's a problem or not. What is now held up is the model with the ratios. For an example, to give you that – here we have three complaints within six months. Now, just to make it very simple, if all complaints had to do with an arrest. If a person made three arrests in a month and had three complaints, that would be a trigger. I think anybody would agree that there might be an issue there. If an officer made 3,000 arrests in a month and there were three complaints, that should not be looked at in the same manner as somebody who got three complaints with three arrests. So we're trying to move towards ratios. What this is built on is this builds further out than what we currently have in place. Currently in the early warning system, if a person gets three citizen complaints within six months or four complaints within a year, that would trigger a performance review. Okay. Also what we have it's not covered even in the early warning system is use of force issues where if an officer uses use of force three or more times in a quarter, it goes to a performance review. That's not covered in the orders so that would be here. So when we start talking about points, if I refer you back to page 3, let's say a person had one OCC complaint, one MCD complaint, one EEO complaint, one civil suit, and two vehicle pursuits within the allotted time frame, if we just went down 3, 3, 3, that would not necessarily trigger a performance review. That means totality, we would have five or more indicator points within the six-month period which would cause us to look due to the compilation of all the indicators.

Commissioner DeJesus: And I guess that was the question that was confusing when it said five or more indicator points. There is no time frame associated at the first prong and then it says or 3 citizen complaints within six-month period. So I wasn't sure what the five indicator points, what the time frame would be for that.

Captain Keohane: That would go to the next line. So we should take the point off where it says three. Once again I believe this will be changing when we come back in 8 to 12 weeks.

Commissioner DeJesus: So what you're saying then is if there's five indicator points –

Captain Keohane: Within six months.

Commissioner DeJesus: Within six months. Okay. And you have six or more indicator points or four citizen complaints within a year. Is that a separate prong?

Captain Keohane: That's correct. Yes, it is.

Commissioner DeJesus: Okay. And then you have three or more documented use of force as mandated in General Order 5.01 or involved in officer-involved shooting. Now is there a time frame associate with that.

Captain Keohane: No. If three or more documented use of force, that would be within the quarter because what we did we took the measures that we have in place now so we're not expanding on it this time. But then on any officer involved shooting or discharge that would automatically mandate a performance review and that's due to the severity and the nature.

Commissioner DeJesus: One of the things – in the 2003 audit they talked about the officer can have two serious complaints in the beginning of the

year and then that's it and it's not triggered because it's not three and then they have another serious event in the last six months of the year. So we have three over the year but it wouldn't come up on radar at all. In this particular system, is there any loopholes like that because I mean you have three serious incidents in a year but depending on when it occurred, it may not be triggered at all under the old system and I'm just wondering if you have the same scenario under this system.

Captain Keohane: Under this system it possibly could but there's other factors that may be recognized that will bring it to our attention but to inform you of something else – this is not the only method and this is stressed also and this is what we have to educate our supervisors for. The Early Intervention System is a management tool to help people recognize where things are and provide accountability. If a person is actually has real performance problems, it should come to that supervisor's attention before they ever reach a threshold and action should be taken. One of the things we will build into the system is a supervisory intervention program where if we could see that a certain supervisor is having a number of his or her subordinates reaching these levels, we're going to be looking at that supervisor and asking questions why isn't appropriate interventions being taken before the person reaches that level.

Commissioner DeJesus: Okay. And then if you could go back to page 3. I guess I was looking for two systems. We have the indicators from 1 through 10 and we have associated factors. I'm really not sure how the associated factors will work or how it's going to be – its envisioned is going to play out.

Captain Keohane: Okay. Associated factors will reflect on the above – will begin – use of force required by DGO 5.01. We have those statistics. We have those paper base. We have shall we say data based the paper base whatever, but we can create a baseline so we know where officers are or what may be appropriate or what not due to the environment they are operating in. Officer-involved shootings: you have that information. Officer-involved discharges: we have that information. OCC, MCD, EEO complaints, civil suit, tort claims, on-duty accidents and vehicle pursuits: we have that. We can build a database. Look at a picture of the department and see where our performances are and possibly go back two years when we create this system to see who might be candidates.

Just to digress for a second. All agencies that start building these systems they put in indicators from what we've learned in the initial review. Sometimes they come up with 25 to 20 percent of their officers on this list which is not appropriate. They have to adjust the indicators for that organization. We have those measures. We can look at those. Now if we look down at the associated factors: Citizen initiated complements and commendations, those are in there also to show that officers do good work. This is not strictly misconduct. Department commendations and awards show what the officers also do. I don't want this to be confused. This just shows a total picture of an officer. This is not a math class where we say two accommodations negate one complaint. They are looked at separately but they do give us a picture of the whole officer. Arrest by officers: Once again it's associated factor. If a person has three complaints with three arrests, we have a problem. If there's three complaints with 3,000 arrests, maybe not necessarily so unless maybe those were the last three arrests the individual made.

Commissioner DeJesus: So that's actually numerical arrests –

Captain Keohane: That is correct.

Commissioner DeJesus: – total arrests, total arrests by officers.

Captain Keohane: Total arrests. That is saying the citations by officer, motor vehicle stops, pedestrian stops, those are all issues that will be total so we can look at the total package of the officer. Training histories and associated factor to see if we do identify a problem just to help that supervisor to be able to look and see if this is a training issue. Has the individual been provided the proper training in order to succeed. Voluntary overtime work: Is this person working so much overtime that they may be – might contribute to their performance up above that they might not be able to perform their duty.

Commissioner DeJesus: And will this overtime also include the 10B work when they come off the shift, they do 10B and when they come back on so they do even more hours.

Captain Keohane: Yes. Sick pay: same thing and this was a discussion we're still talking with the city attorney about. Tracking this kind of issues, there's many issues involved. Principle participant in a critical incident: Many times you're involved in a critical incident and it may affect the officer psychologically and sometimes it's not just the officer in a, shall we say a officer-involved shooting that fired the shot. It's also he/her partner who didn't fired the shot and wondered if they should. These are questions that may affect the officer's performance down the line. Criminal cases not filed or dismissed due to documented concerns: We don't have this information. This has never been put in place. We're talking with the district attorney on how we're going to compile this data. If we – if they wish to go forward with it, how is it going to be complied? How is it going to be transmitted to the Police Department? And then let's take a look at it. We have no baseline but we do feel that we can put data there; see if it will be a concern in the future and start tracking it and look for it.

Commissioner DeJesus: Right. Now, that's one of the things that the ACLU I think raised is that they sent a letter over a year ago saying pretty much where are we with that and how can we put that in place, and I'm sure the district attorney keeps statistics on which cases they cannot charge or they have to dismiss due to either concerns with an officer's arrest and/or concerns with an officer violating the civil right and they can't go forward because the motion to suppress are granted. Certainly we have to agree that those are the indicators. If an officer makes 10 arrests and 9 of them are thrown out for violating civil rights, I mean that could certainly – at the very least if not counseling certainly maybe retraining.

Captain Keohane: Yes. We have talked with the city attorney. We've continued those discussions and we will be working at that. At one point this was, at one point of all the discussions it was removed from the order completely and we put it back in.

Commissioner DeJesus: But I guess that concern that I have is for a year this has been out there, that this is something that you may not have at your fingertips but it's certainly something the district attorney has and –

Captain Keohane: I'm not sure of that, Commissioners.

Commissioner DeJesus: Okay. Alright. But I just want to know what's been done over the last year.

Captain Keohane: I'm not sure that the D.A. has that.

Commissioner DeJesus: So the question is have you asked them? I mean what's been done over the last year since that letter went out.

Captain Keohane: We've requested two or three times and we have no definitive answers.

Commissioner DeJesus: Okay. That's fine.

Captain Keohane: The last two: Charging and resisting or obstructing a police, Charges of assault on police: Once again we don't have those indicators. Also, it's been my experience as a police officer for over 33 years that there is one of those charges, I'm not going to say all the time, but in a great majority of those they are going to result in either a use of force, a complaint, or something along those lines. Additionally, this is – as I say we don't track that and we would like to track it to see where it is. We'd also like to find out what other charges may be appropriate in there such as the police officer's threats against a police officer and so on. These are other things we would be looking at. We will be talking with the ACLU and OCC abut.

Commissioner DeJesus: How about officers charged with a crime? I don't see that in here.

Captain Keohane: Officers charged with a crime, that automatically begins an MCD complaint so that would be redundant.

Commissioner DeJesus: Alright. Now, I do have a question on prong number 12, 13, and 14. I did review the best practices audit that was done in 2003 and I understand you say that, you said throw those out but one of the things that it pointed out there was that 148s, the 240, the assault on the police officers that those were triggers that at least should be looked at. Doesn't necessarily mean acted on but certainly looked at so that – the same thing would go for number of arrest. If you have 10 arrests and 9 of them are 148s or primarily bad or (unintelligible) or something, that certainly can be an indicator and I'm wondering why those were moved out of the top 10 indicators and put down as an associated factor.

Captain Keohane: Once again you said that is something that should be looked at and we agree with that wholeheartedly and we want to look at that and associate it with the total, the totality of the officer's performance and if after, shall we say, as it stands now if after a year or so and we compile these data and we will have those statistics, if we can show that it's a valid indicator possibly we would move it up, and that would be actual discussions with – discussion by, I should say, the Early Intervention System Board, which will meet to discuss policy and make recommendations to the Commission for improvements.

Commissioner DeJesus: So, did you say you were going to meet with the ACLU over these, some of these issues. Did I hear you say that earlier?

Captain Keohane: Absolutely.

Commissioner DeJesus: Okay. I want to know the rationale, I understand you said labor should be involved. What's the rationale for putting the POA on the committee that's here that you have outlined here. I forgot what's it's called but the EIS.

Captain Keohane: EIS committee?

Commissioner DeJesus: Yes.

Captain Keohane: Because it affects labor and as you quoted best practice, that was best practice in 2003 and it continues to be in 2006.

Commissioner DeJesus: Not clear to me what you mean by that. Do you mean political organization, political association or labor organization. What do you mean by that? I'm not hearing that.

Captain Keohane: A person representing the labor of the officers.

Commissioner DeJesus: Who represents the labor of the officers – now, I guess the question that I have is how many cities actually have the labor representatives on the committee and (2) do those labor committee, do they actually have an active role in terms or hiring attorneys to represent their police officers in misconduct before this Commission and/or at the OCC level and they actually have personnel that also will defend their officers at that level? So do they have an active role in terms of defending officers from misconduct and are they sitting on the committee that is evaluating the triggers whether an officer should be counseled or should have anything put in their personnel record or anything like that? I mean do we have the same organization.

Captain Keohane: I will have to research that for you, Commissioner. We'll get back to you on that.

Commissioner DeJesus: Okay. And so I think the ACLU raised that that's possibly a conflict. It's certainly, if it's not an actual conflict, it's certainly has the appearance of a conflict. But I also want to add there some other concerns for me because the way I see this is a non disciplinary action. This is something that will be a trigger that will bring in front of the command staff – not the command staff but the board – and if they will decide whether the officer needs training or the officer needs counseling and whatever actions taken will be put in the officer's personnel file. And I guess the question I have, if that's true, the issue or the specter of personnel files an individual officers, you know, action within the police department, is this not a disclosure of the confidential personnel records to give individual personnel information to a third party such as the POA and if they do that, the POA here is a non city agency. Are we disclosing then and making that officer's personnel record available or subject to availability to other members of the public given the Sunshine Act that we have and the Public Records Act that we're under?

Captain Keohane: That's an excellent question. We've discussed that with the City Attorney and we may be modifying the way the board operates or the reports may be without individual names or so on. That's an excellent question and we've recognized that ourselves. We're in discussion with the City Attorney on that.

Commissioner DeJesus: The other thing is I particularly think that the POA has no – it's just inappropriate to have them as part of that. You may want to give them as the labor representative the results and have them weigh in at that level. I also think that the OCC shouldn't be there. I think we let the prosecuting arm that prosecutes the police officers, I think the POA defends the police officers, I just think to put them in the chicken coup and have them review, you know, who's where, who's getting most hits, what are you doing with it, and how is it being sanctions, is it going into the personnel record or not – I just think it's really a bad idea. I don't think the OCC should be there and I don't think the POA should be there. I honestly don't. I think this is a personnel issue. It's non disciplinary. As you said it's to protect the officers. You don't need a political arm in there, the labor arm in there, or the prosecuting arm in there. However, if you think the POA should be there, then I think you need to give consideration that the OCC have representation as well. So those are the issues that I have in mind. I am concern that if the OCC is excluded from the process and given the data though and the report is made to the Police department, I don't understand why the OCC's report shouldn't come to the Commission the way that it comes now.

Captain Keohane: I agree.

Commissioner DeJesus: That was easy. The second think is, the second thing is – I mean I can go on and on. The way it's set up right now is

there's a lot of discretion built into this draft and the problem I have with the discretion is I think there's some parameters that need to be set. You can have certain discretion but it's within certain set parameters. I do not think it's full and complete discretion because then we may never see anybody coming through or anybody being counseled and everybody being excused on a discretionary basis, and I just think that's a real dangerous thing to do. I think you need to sit down and say it's within the board's discretion but within the board, here are the options that they have within the discretion. So I think you need to evaluate that. There's a lot of vagueness in the draft as it's given to us right now. I think the ACLU has pointed out many of them and I think – I'm trying to cover as many that I also was kind of alarmed at when I was reading it. I think that it's not clear what role the Commission is playing and what information the Commission is given. I think the OCC pointed out in their letter in terms of the report and I think you've heard this before and the OCC has heard this before, when you get the reports, they're very difficult to read. It's four incidences and two quarters or one quarter or whatever. It doesn't give us the information we really need and I think the reports to the Commission must include, you know, what officers have been identified, the nature of such behavior and action taken whether it's intervention or no intervention. We need to know that. And the way we get the report now, we don't know that and so I think we all need to be on the same page here. I do think you need to – I think it's a good start. Don't get me wrong. I think it's a good start. I would prefer if you went back to the draft that you had already handed out with the ACLU and work with that, with those factors, and work with them, the POA, and the OCC, not individually but work with them as a team so you get a group effort out of this rather than one. It seems you threw out the old report and drafted a whole new report and I think the only access was the POA or the other information coming in was from POA on this report as you've seen the criticism coming in from the OCC and the ACLU that they didn't have access to this new draft. So I think you should go back and perhaps negotiate some of these things.

Captain Keohane: Very good. Thank you.

Commissioner Marshall: I'm not going into the specifics but Captain, I do – specially we're on the fast track here, I am a little bit no I'm a lot disappointed. Specially in the light of the letter, the letter produced by the ACLU and the OCC. It seemed that the Department itself has backtracked off the number of agreed upon pieces, either through the Chief or – and to get a document – you really want to start it from scratch here. There was a previous DGO that – at least a draft had been put together. There was agreement on certain things or belief of an agreement on certain things, and, again, just to reiterate since we're on the fast track here to – now, you're going to have to go back and re-agree on the things that you know – maybe they should have gone to this conference with you because –

Captain Keohane: That would have been an excellent idea.

Commissioner Marshall: – that's where they were then and you were in the same place and you moved somewhere else because of – what's the guy's name that written a new book –

Captain Keohane: Timmy Walker.

Commissioner Marshall: – maybe he should have been there with you because that's going to set us back and it's really disappointed, you know, to see all this stuff from you. I mean when the ACLU send you something, they send you everything they did for the last 30 years and so you get this and you go wow. It is – it's very disappointing. And let me say this, as far as I'm concern, this document has got to serve two purposes. It's got to – and it's got to serve both of them. I mean you've got to convince your members that it's

not a punitive piece and that it's in your best interest and at the same time, whether you like it or not, you're going to have to convince the public it's also in their best interest. So and that's not – I guess it's going to be a – it shouldn't be a tough sell, you know. My whole thing to the department, to the members of the department, is that, again, it's like I tell my young people, you know, if you get picked up or something happens to you with the police, if you don't do anything you don't have anything to worry about so don't do anything. And that's the way I see it with officers. This has got to be a document that has a lot of teeth in it for the public specially in light of, you know, the Chronicle, and I think when you're asking for more officers, like I say, there's going to be segments of the population say we've got enough problems with the ones we've got, what do we need more for. So this has got to do that and, you know, that's why – and I thought we had made progress in that, you know, with some of the work that had been done previously but that's why this is so disappointing to me. I mean to get this long thing from the ACLU and the OCC saying we had agreed upon stuff well this is what work. It is – I'm very disappointed and I'm wondering, you know, you say 12 weeks, to me you've got a long way to go here, a long way to go here. And just the scrutiny that obviously that Commissioner DeJesus' is like what. So, I know I'm going to be watching very very closely and you got a lot of ground to cover as far as I'm concern and to make up. I'm sure we're going to get public comments by both of them to that effect but I'm very disappointed. I hope you can do it quickly but if this thing doesn't have the teeth in it that it needs to have, it's not going to mean a thing. It really is not going to mean a thing. I have to say that.

Commissioner Campos: I think it's really hard to find the words to express what I think what message I think this sends. I think that to be sitting here April 5th getting this document in light of the comments that I think many perhaps every Commissioner has made and to get a document of this type, I think – it's really hard to find the words. I think that disappointing is certainly one word. I guess what I would say is that I think that it should be clear that certainly this Commissioner will not support a document that does what this document has done, and I think that we owe the officers of this department and we owe the public much better than that. And I have a lot of questions so let me begin by saying this. I cannot imagine how we can say that having in the introductory paragraphs of a document statements that make it clear that misconduct complaints will be taken seriously. How – having something like that is in anyway anything but positive and it's positive not only for members of the public but it's positive for members of this department, because I think that we owe it to the many police officers in this department. There are so many of them who do everything by the book, who do everything right to make sure that we send the message that the people who are in this department and who will be allowed to remain in this department are people who will follow the rules and who will treat people with respect and I think that's that's our officers. And there's nothing negative about making that statement in the introductory paragraphs of those documents. It does belong in this order. With all due respect, I disagree with your statement that it doesn't belong here. So let me begin by saying that.

The second thing is that I think that there is a tension between some of the statements that have been made and the reality that I think is reflected in this document because you make the statement that this is a non disciplinary system whose goal is to provide a service, a benefit to police officers to identify potential problems, not necessarily problems, potential problems so that we can provide them support. And you have a process that identify some triggers that might point to some of those problems and yet, you have a document that, to my mind, maybe this was not the intent, but to my mind tries to reduce the number of triggers you can have. And therefore, in my mind, reduce the number of potential problems that could be identified. And I think that's a dis-service to the rank and file because I think that we owe it to them if this document is really meant to assist them, to provide them that service, those

support services, we need to have a meaningful, a realistic picture of what is happening. And to me the fact that something is identified as a trigger doesn't necessarily mean that indeed you have a problem. That's why you have a process that has – going back to your document, you have a – early intervention system that has two steps, right. You have the early intervention system unit and then you have the early intervention system board. The fact that the unit receives information about an officer doesn't mean that the unit, the way the process you described is supposed to work, will automatically think that you have a problem. But I would imagine that as a unit you want to have as much information as possible if the goal is truly to provide support services to our officers. So I don't know if you have any comments to that point because I do feel that tension in this presentation.

Captain Keohane: I agree with you. Perhaps early on I stated that to this conference we went to. We want to move the accountability further down so that'll be the first line of supervisors. The EIS committee, possibly it isn't in there, they will be the ones tracking all this information and they will be in touch with those supervisors, notifying them as soon as the trigger should be reached. However, if that happens, possibly the system's failed because this could be built into the system and also, which is not in the document, is the day to day operation of it which we'll have a manual. On that the supervisors will have access to this. They will be reviewing this or they should be reviewing this on a daily basis. The officers in question will have access to his/her own records so that they'll be able to know where they are at any time. And they'll have to take ownership of their own performance. So, perhaps, I didn't make that clear, Commissioner.

Commissioner Campos: I appreciate that. Another point that I do want to make is I think that when you come before a commission like this, I think that when you're talking about best practices, at least to me it is not sufficient to say that these are best practices based on the fact that you attended a conference. I want to see why it is in writing that these are best practices. I want to see where it's happening because if it is the case that this person who previously said that best practices were defined a different way is now giving you a different definition, I mean who is to prevent that person from writing a different book two months from now. We need to look at the materials that you're basing these statements, these are best practices. You have to show me that.

Captain Keohane: I'll provide that to you, Commissioner.

Commissioner Campos: Okay. What I will say is also I do have a problem with some of the structures that you have described. For instances, there's no specificity about this EIS Unit. Who is going to be on this unit? Not only who, but how are they going to make a determination that there might be something there when they look at a report? What criteria will be followed, and I think we owe that to our officers to describe those criteria. And, also, what is the interactions specifically in very concrete steps between the unit and the board? And finally, structurally, where is the Commission in all of these because in this proposal, we get an audit, as I understand the proposal, we get an audit every six months. I don't really know what the terms of the audit are because I don't think they're clearly defined here. But one thing the Commission, at least as I read the document, does not get are the names of officers that meet the criteria that identifies some problems, some issues for us. As I read the report, the Commission doesn't get that. Am I correct in making that statement?

Captain Keohane: I think we talked about that. You'll be getting the same reports that you have gotten in the past.

Commissioner Campos: Well, I think that we need to maybe have

more discussion about what those reports look like. I do think that's an issue. And I do have to go back to a comment that Commissioner DeJesus made about the makeup of this board. I would like to ask the City Attorney's Office if that's appropriate to provide some information about the issue of whether or not there is a conflict of interest here. And I do think that there is validity to the point that this should be to the extent that it's a non disciplinary system, this should be a personnel matter, and I do wonder why the POA needs to be there and if you believe that they need to be there, if you can explain to me why then the OCC is not there. I think that's important information that we need to have. I think those basically, those comments summarize sort of my general impression but once again, I want to reiterate, that I do think that we have a long way to go and I don't know what needs to be happening between now and the time line that we have in place, but maybe there need to be a round the clock meetings with all the parties involved because I don't see how you get this done unless you do that given where you are with this document.

Commissioner Marshall: Just one other thing, Captain, because I want this to be in your mind and all of the interested parties of when they're putting this document together and I guess at this point I'm looking at it from the community side, dual job, dual sell job. In the minds of a lot of people, and the thing that this 100 officers that they read about and, you know, since I deal a lot with the community, it's not even a specific number, it's an attitude or things they feel that happened to them by officers. To me, this thing, they've go to feel that this document is going to catch these folks. They got to feel that as – they got to feel – these folks are going to be weeded out, caught, dealt with, their behaviors is gonna be changed, and it has to do with all of that. If it doesn't, if they don't feel that way, then I don't think it's, you know, you got to do that. And I just want that as much to be in your mind as you're putting this thing together as it is, you know, it's a system, you know, for officers – because I believe you can do both, but I think you got to have both things in your head and I want to say that and I know I've got to feel that way. I really do. I've got to feel that – I'm not going to name names because I get poked talking about certain officers all the time – these folks are going to be – and new ones are coming in. You know they won't turn that way. So, please take that with you and all the parties. You got to do that. I think you have a unique opportunity, do it, but you got to have both twin things running through your head if you put it together.

Commissioner Sparks: Captain Keohane, I don't think there's much I could add to either one of these and I'm trying to stay away from piling on, but a couple of comments, just procedural. One, Commissioner Orr-Smith was involved in many of these discussions on this committee and both Commissioners Campos and DeJesus have asked to be included in that committee, so if you would include them if you would, please, in the committee. Secondly, you commented 8 to 12 weeks, could you make a preliminary report in four weeks as to what your progress is on this, which would be anywhere from a third to a half the time that you specified. So, I'd appreciate if you could give a report in four weeks. And, also, the Commissioners, I think, made excellent excellent points and I know this is a little unusual but I would asked that if they could to summarize their comments and provide them to Captain Keohane and to the Commission so that these aren't lost for posterity. I think that would be an excellent thing if we could do that. And, thirdly, maybe this is a little irregular, but this is kind of an irregular discussion, I guess, is I'd like to take public comment on this item only, individually, so that individuals within the community would have an opportunity to comment on this specific item without diluting their comments on the other two items under the Chief's Report. So if we could do that please.

PUBLIC COMMENT:

Samara Marion: We've submitted a letter and I just would like to

highlight a few things concerning the Department's presentation. I think what's critical is what was missing from the Department's presentation. There's no explanation for why the Department failed to take action in April 2003 when the Controller issued a report that said the Early Warning System lacks sufficient scope and detail to be effective. We've had three years to resolve this. What's missing from the Department's presentation was there's no explanation for why the ACLU with the agreement of the OCC engaged in negotiations throughout 2003, 2004. There were agreements made and now the Department reneged on those agreements. There is no explanation for that. The statement that now they want to bring the OCC into the process, we were kept apprised throughout 2003 and 2004. All the negotiations we fully supported it. We were a part of that process and we don't need to be brought in now – or we do now because of how disillusioned we are with the end result. We were happy with the steps that were made in 2004. What's missing from the Department's presentation is what about the 16 indicators that the ACLU negotiated. You didn't hear that now the best practice has thrown those 16 indicators. You haven't heard that they're not valid, that they don't indicate risk activities. What you've heard is there this shifting sands but nothing specific about those indicators. I just want to highlight a few of them as to why they are critical. If they are not a serious charge, arrested, or charged, is that not significant in terms of activity. What the Department says is MCD will file a complaint. That's a huge loophole. MCD has the discretion as to whether or not to file a complaint. Across the nation, an officer's arrest is used as an indicator of risky activity that can trigger, along other things, the early warning system. That's one factor among many others. Pitches, when a pitches complaint has been granted, that's a factor that the Department didn't address as to why it's been omitted. They've in fact omitted eight factors that were agreed upon which are being used throughout the country. No explanation as to those eight factors other than a few or duplicative. Again, I would point out that those duplicative factors involve a lot of discretion. We want a comprehensive indicator list. We want the best. We want to be able to prevent misconduct and its escalation. Obviously we don't want a system that's full of loopholes. A few other things that weren't talked about which is suddenly there's this two-tiered system of associated factors and indicators. Associated factors are not defined other than they might shed light on the topic. Again, it's vague. We have been given no information as to what it actually means, and it appears that if there are two perhaps commendations of an officer, that that could counter three officer-involved shootings or two officer-involved shootings, that kind of balancing, misconduct against a commendation, I don't think that's something that we would tolerate. The Department talked about if there's three complaints but there's 3,000 arrests, on the surface, yes, that's compelling. But if those three arrests involved shootings within a six-month period of time, that would be highly problematic. There's a few other areas I would like to address.

Commissioner Sparks: You're done with your three minutes, so if you could put those in writing, if you would, the other issues and make sure the Commission Secretary gets them so he can distribute both to the Commission and also to the Department and the ACLU.

Ms. Marion: If I could – just indulged you for a moment in that –

Commissioner Sparks: Ms. Marion, we're have to –

Ms. Marion: Okay. Alright. It's just our agency is not a member of the public and so I was hoping – we're not providing our report – but I understand.

Commissioner Sparks: I think you could've asked under OCC Report to be included in the presentation of this. You did not and so unfortunately –

Ms. Marion: I apologize.

Commissioner Sparks: – you're in the public comment section.

Ms. Marion: I understand. Thank you.

Mr. Mark Schlosberg: Good Evening, Commissioners, Chief, Command Staff, members of the public, OCC: My name is Mark Schlosberg, Police Practices Policy Director at the ACLU, Northern California. I want to start by first pointing out that it is a good thing that we do have a draft before the Commission at the Commission level at this time. This is – it's been three years, it has made it to this level, and we're having this discussion, and I think – I view that as a positive, a positive thing. I'm not gonna go into the characterization of the previous history of this that were done by Captain Keohane in his presentation. I think my June 22, 2005 letter speaks for itself in terms of the prior discussions. I do want to point out though that the latest draft that the last draft that we had come up with was not three years ago but a year and a half ago, and it was really – and the number of the factors that were talked about as being duplicative were already removed from the draft at that time. I do want to say that I think the two key problems with this draft general order, in my view, is (1) certain things were removed as indicators that should be included as indicators. Some are listed as associated factors now and I think that those things need to be indicators. And one of those things is the cases that are dismissed. I talked about that in the letter. Another one is, you know, those resisting arrest charges. Not necessarily that one would trigger the system but that that's a factor that should be included as an indicator. The second thing that is incredibly problematic about this DGO is the placement of the Police Officers' Association on the EIS Board. It does present a conflict of interest as a number of you pointed out, and Captain Keohane talked about, well, you know, there is this report that was done by Sam Walker three years ago and now he says it's not worth the paper it's written on and here's a new report from him. I actually spoke with Sam Walker a day or two ago about this general order and about the placement of the Police Officers' Association on this board and he was unaware of another department that had an association in this similar position with regard to an early warning system. I think that's problematic and I think that that aspect needs to be fixed. I also don't think that just because Sam Walker wrote a new report that now he is saying that every factor that was mentioned in, you know, three years ago now is no longer a factor that should be considered. And, I think if we're going to be, you know, referencing experts and consulting them, it would be worthwhile to solicit their opinion as well. I look forward to working with the Department, with the OCC, and with the Police Officers Association to try and remedy some of these problems. I don't think it's gonna require that that there's many things that need to be fixed. I think the things that need to be fixed are incredibly important. The change in those indicators, changing some of the language in the introductory statement, and specially changing the role of the Police Officers' Association. I appreciate the work that the Department's is doing but there are some major changes that need to be made and hopefully they can be made in the near future. Thank you.

Matt Leroy thanked the Commission for their comments during this discussion.

Kelly Welsh, ACLU, support the need for a comprehensive early warning system. She discussed some of the problems she sees with it.

Ace Washington discussed concerns that information has not been filtered down to the community.

Barbara Growth discussed some concerns.

Mr. Steve Johnson, POA: I just want to say I think for those of you who deal with the public sector, I think you realize how hard it is sometimes to get labor and management together. But I just wanted to complement the Chief and I wanted to complement Captain Charlie Keohane for the committees they

put together to work with the POA committee. I think it's been working very well, and I'm a little disappointed myself. I'm a little disappointed that the fact that none of you have taken, I mean you've taken an interest but you haven't asked any questions prior to this when you could've phoned Captain Keohane up. You could've come to any of our meetings. Some of you are new here. I know two of you are brand new members but for the other members of this Commission, we have issued that invitation before that we meet at the Police Officers' Association, some times at the Hall of Justice. So you have a right to come by, sit in. Gayle Orr-Smith when she was here she sat in on the meetings and she saw what we were doing, and she appreciated all the work that was going on. So, disappointed? Yeah. I'm a little disappointed too. I'm very disappointed in the fact that every week, practically every week, I get up here and talk about the fact that OCC is still charging people, officers, with unwarranted action for arrests. They won't tell us what is unwarranted about the arrest. Inappropriate and inaccurate police reports: they won't tell us what's inappropriate or inaccurate about those police reports and yet one officer has been fired. Allegations. I'm disappointed? I'm very disappointed. We bring these issues to you week after week, nothing is done. And all of a sudden now you're upset with a few little indicators aren't included in the EIS system? I think you've got bigger problems than that. You're telling us that we're going to have difficulty selling this EIS to our members, you're right, we are. Because the system right now has been corrupted The system is not working and until you fix the base of the system, you're not going to have anything to deal with after that. So, thank you.

PRESENTATION OF OFFICER-INVOLVED DISCHARGE FOURTH QUARTER 2005 REPORT

Captain Keohane presented the Firearm Discharge Review Board of Officer-Involved Discharges for the fourth quarter 2005.

Commissioner Sparks asked about article in the Chronicle. Chief Fong stated that she was not aware of the article but that she has had conversation with Director Nance of the Mayor's Office of Criminal Justice about outreach and about having an organization who works extensively with law enforcement agencies and is very well aware of a number of best practices in a number of arenas and that she had conversation with the executive director about the possibility of them assisting the City and the Department. The Chief stated that she will have follow up conversations with Director Nance to try to get a sense of exactly what the plan is.

Commissioner Sparks stated that hopefully in the Chief's discussions with the Mayor's office and Director Nance that have been discussed at Commission meetings be included. Chief Fong stated that she will have a follow up conversation with Director Nance and she will report back to the Commission next Wednesday or that she will ask Director Nance to make a presentation.

Commissioner Campos ask where all this fit in terms of the Commission mandate. Commissioner Sparks stated that that question should be raised with the Mayor's Office.

PUBLIC COMMENT:

Ace Washington discussed concerns regarding programs created by the Mayor.

Barbara Growth discussed concerns regarding electronic voter fraud.

Samara Marion discussed concerns regarding policy recommendation regarding officer-involved shooting incidents involving dogs.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Ms. Marion, for Director Allen, reserved time for the next agenda item.

Commissioner Campos asked about specificity of the charges that the OCC files against police officers. Ms. Marion stated that officers are provided what's called a 293, Complaint. On the complaint it provides the charges and it also provides a statement from the complainant as to the nature of the charge in addition to statements from the investigator. Commissioner Campos also asked that once a complaint is made, at what point in the process is the officer interviewed as part of the investigation. Ms. Marion stated that she will provide a packet to the Commission.

(The Commission took a break from 7:46 p.m. to 7:54 p.m.)

DISCUSSION AND POSSIBLE ACTION TO ADOPT COMMISSIONER SPARK'S RESOLUTION REQUIRING THE POLICE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS TO TRACK AND REPORT TO THE POLICE COMMISSION ALL PROPOSALS FOR CHANGES TO POLICE DEPARTMENT GENERAL ORDERS

Motion by Commissioner Marshall, second by Commissioner DeJesus to adopt Commissioner Sparks' resolution. Approved 4-0.

PUBLIC COMMENT

Mark Schlosberg, ACLU, thanked Commissioner Sparks for offering her resolution and the Commission for considering it.

RESOLUTION NO. 27-06

RESOLUTION REQUIRING THE POLICE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS TO SUBMIT A QUARTERLY REPORT TO THE POLICE COMMISSION REGARDING POLICY PROPOSALS

WHEREAS, the operations of the San Francisco Police Department are governed, in part, by Departmental General Orders adopted by the San Francisco Police Commission; and,

WHEREAS, from time to time, new General Orders or amendments to General Orders are advisable due to, for example, changes in community conditions or needs, evolution of best practices, or changes in applicable law; and,

WHEREAS, the Chief of Police is responsible for the operations of the San Francisco Police Department, including implementing the Departmental General Orders; and,

WHEREAS, the both the Chief of Police and the Director of the Office of Citizen Complaints are charged under the Charter with recommending changes to policies governing the operations of the Police Department; and,

WHEREAS, the large number of General Orders and proposed amendments to General Orders creates challenges for monitoring and oversight by the San Francisco Police Commission; and,

WHEREAS, over the past several years, the Office of Citizen Complaints has recommended a number of changes to General Orders that have yet to be reviewed by all appropriate parties and forwarded to the

Commission for consideration; now, therefore, be it

RESOLVED, that the Chief of Police and the Director of the Office of Citizen Complaints each shall submit a quarterly report to the Police Commission regarding all policy proposals described below. These reports shall be submitted in time to be calendared for the first Police Commission meeting of the quarter. At the time of submission to the Commission Secretary, the Chief and Director shall copy their reports to each other.

Each report shall include at a minimum:

1. A list of all proposals, currently under consideration by the Department or the OCC, for:

    - Amendments to General orders
    - New General Orders
    - Policy recommendations that could result in new or revised General Orders
    - Policy recommendations that could result in the issuance of new or revised Departmental Bulletins that supplement or amend General Orders, supplement Department Manuals that affect policy, or announce legal update, and
    - Policy recommendations that could result in a resolution issued by the Commission

2. The Department shall include proposals and recommendations made by OCC, where OCC has notified the Department of the proposal or recommendation. Similarly, OCC shall include proposals and recommendations made by the Department, where the Department has notified OCC of the proposal or recommendation.

3. The status of the proposal or recommendation, including the date it was first submitted for consideration and review and due dates for each step that will be required. Depending on the nature of the proposal, required steps may include:

    - Internal consideration and drafting
    - Under review or discussion with parties outside the Department or the OCC.
      (Where appropriate, depending on the nature of the proposal, such parties may include the OCC, the Police Department, the City Attorney, other City agencies, the Police Officers' Association, and community stakeholders.)
    - Under consideration by the Police Commission

4. The Department or OCC's assessment of the priority of the proposal or recommendation.

5. A list of issues that the Department or the OCC believes are likely to require resolution by the Commission, but only after the Department, OCC, and relevant outside parties, as appropriate, have met, exchanged views and attempted to resolve any differences.

6. Any other information that the Chief or Director believes would be helpful to the Commission.

The quarterly report of the Chief of Police shall also include copies of all Departmental Bulletins that are within 120 days of expiration. It shall also include any changes to policy made by the Chief that could result in a change to a DGO or that required the issuance or modification of a new Departmental Bulletin that supplemented or amended a General Order, supplemented a Department Manual, or announced a legal update.

This Resolution shall take effect at the beginning of the quarter

following adoption, and shall remain in effect until rescinded or changed.

AYES:	Commissioners Sparks, Campos, DeJesus, Marshall
ABSENT:	Commissioners Renne, Veronese

APPROVAL OF MINUTES FOR THE MEETING OF MARCH 22, 2006

Motion by Commissioner Marshall, second by Commissioner Campos to approve the minutes. Approved 4-0.

COMMISSION ANNOUNCEMENTS

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner DeJesus would like a status update on draft revision of DGO 7.01 and status report on policy recommendation regarding K-9s.

Commissioner Marshall would like a letter written to the District Attorney requesting to make a presentation to the Commission. Commissioner Sparks stated that the Commission can offer an invitation.

Commissioner Campos following up on training protocols relating to dealing with vicious K9s. Commissioner Campos would also like a presentation regarding policies and protocols for how the Department interacts with non-English speakers. Ms. Marion stated that the OCC has a draft but would like to meet with the Chief before presenting it to the Commission.

Motion by Commissioner Campos, second by Commissioner Marshall to adjourn the meeting.

Thereafter, the meeting was adjourned at 8:05 p.m.

_____

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 12, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION (5:30 p.m. in Room 400)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54957.9(b) and San Francisco Administrative Code Section 67.10(b):

   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   (Review of findings and decision regarding return of officer to duty following officer-involved shooting, OIS Case No. 06-02)

OPEN SESSION
Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in Closed Session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

6. Approval of the Consent Calendar (ACTION ITEM)
   a. Resolution honoring Officer Max Fenner on the 100th Anniversary of his death on April 18, 1906

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 12, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. OCC Policy regarding notifications of complaints against officers

9. Update on Patrol Specials (DISCUSSION ONLY)
   a. Report from Patrol Specials' Representative
   b. Report from Department's Liaison

10. Approval of minutes for the meeting of March 29, 2006 (ACTION ITEM)

11. Commission Announcements (DISCUSSION ONLY)
    a. Withdrawal of the appeal of the Chief's Suspension of Officer Mario Defina (File No. M-JCT-D05-089, OCC #0422-04) (ACTION ITEM)

12. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Central District at Pier 1, on the Embarcadero opposite Washington Street , San Francisco, at 6:00 p.m., on Wednesday, April 26, 2006, to hear comments from the public and Central Station Captain James Dudley concerning public protections issues in the Central District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

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Commissioner

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PETRA DeJESUS
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DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

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(Chapter 67 of the San Francisco Administrative Code)

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The closest BART Station is: Civic Center

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For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

APRIL 12, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:36 p.m., in Closed Session.

PRESENT: Commissioners Sparks, Campos, DeJesus, Marshall, Veronese
ABSENT: Commissioner Renne

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Marshall, second by Commission Campos to hold Closed Session. Approved 5-0.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957.9(b) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b):

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police (Review of findings and decision regarding return of officer to duty following officer-involved shooting, OIS Case No. 06-02)

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APRIL 12, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Sparks, Campos, DeJesus, Marshall, Veronese
ABSENT: Commissioner Renne

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

Motion by Commissioner Veronese, second by Commissioner Marshall for non disclosure of discussion held in Closed Session. Approved 5-0.

PUBLIC COMMENT

Patricia A. Tullock, Client Advocate of Police Abuse Victims, discussed concerns regarding violence by police.

Francisco DeCosta discussed concerns regarding quality of life issues and commended Commissioner Sparks.

Ace Washington discussed concerns regarding his press pass.

APPROVAL OF THE CONSENT CALENDAR

a. Resolution honoring Officer Max Fenner on the 100th Anniversary of his death on April 18, 1906

Motion by Commissioner Veronese, second by Commissioner Marshall to adopt the resolution. Approved 5-0.

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RESOLUTION 28-06

RESOLUTION HONORING OFFICER MAX FENNER ON THE 100TH ANNIVERSARY OF HIS DEATH ON APRIL 18, 1906

WHEREAS, the City of San Francisco suffered one of history's great natural disasters on the morning of April 18, 1906; and

WHEREAS, the Great Earthquake that occurred at 5:12 a.m. and the resulting fires devastated most all of the City in the following days; and

WHEREAS, Officer Max Fenner was on duty, routinely patrolling his assigned beat in the vicinity of 138 Mason Street at that early morning hour; and

WHEREAS, Officer Max Fenner, as the earthquake violently struck the sleeping city, at a moment that required the officer to ignore the normal human instinct to save himself, instead rushed to the aid of citizens on the street and while attempting to lead them to a place of safety, was himself struck by falling debris as buildings collapsed around him; and

WHEREAS, Officer Max Fenner suffered fatal injuries in the selfless performance of his duty that morning, 100 years ago, in the finest traditions of the Law Enforcement profession and the San Francisco Police Department; and

WHEREAS, the City of San Francisco is observing the 100th Anniversary of the Great Earthquake on April 18, 2006; therefore

RESOLVED, that with gratitude for his service to the City of San Francisco, the Police Commission hereby honors the memory of Officer Max Fenner, who gave his life in the performance of his duty on the morning of April 18, 1906, the only on-duty San Francisco Police Officer to die as a result of the Great Earthquake, given on this, the 100th Anniversary of his death.

AYES: Commissioners Sparks, Campos, DeJesus, Marshall, Veronese

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Deputy Chief Tabak, for Chief Fong, updated the Commission on the arrests of suspects who held up victims in the Laguna/McAllister area for their laptops. This morning three suspects were taken into custody without incident.

PUBLIC COMMENT:
None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. OCC Policy regarding notifications of complaints against officers

Director Allen stated that his office has put together a packet in response to the Commission's questions regarding notification of officers.

Commissioner Sparks asked that this item be continued for next week to give the Commissioners an opportunity to review the materials. Commissioner Sparks asked that this item be agendized and give the POA an opportunity to respond as part of the presentation.

PUBLIC COMMENT:
Francisco DeCosta stated that the Commission should have a report at least 48 hours before the meeting.

UPDATE ON PATROL SPECIALS

a. Report from Patrol Specials' Representative

b. Report from Department's Liaison

Commissioner Sparks asked that this item be put on the agenda every four or five weeks.

Ms. Jane Warner, President of Patrol Special Officers Association, updated the Commission on utilizing their organization as an available resource to help with Community Policing in the city.

Commissioner Sparks addressed Ms. Warner and stated that purpose of her appearance in front of the Commission, on an ongoing basis, would be to address issues and concerns that have occurred over the last several weeks. Commissioner Sparks stated that she thinks it is important that the Commission look at and understand what the process is.

Commissioner Sparks asked Deputy Chief Shinn about a committee that is being formed. Deputy Shinn stated that a committee is being formed as asked by Commissioner Renne. Deputy Chief Shinn also stated that there is also a subcommittee that met on March 8th and on February 14th, 39 amendments were asked for by the President of the Patrol Special Officers Association. Chief Shinn stated that due to the complexity of this issue and due to many legal complex questions this has been forwarded to the City Attorney's for review and it is currently under review at this time.

Commissioner Sparks asked if Deputy Chief Shinn has seen the request by the Patrol Specials to work with DPW. Chief Shinn stated that he has not seen that request. Commissioner Sparks asked that a copy be provided to Deputy Chief Shinn.

Commissioner Sparks stated that the Commission cannot proceed on the things in the letter that are currently against the regulations that are enforced and so until this committee changes the regulations or modifies the regulations, these particular functions cannot be performed under the currently rules.

Commissioner Sparks would like an overview of how many applications there has been for selling beats or applications for assistant patrol specials and what the time line is on those and what the process is so that the Commission can get a better idea of how long those kinds of applications would be. Deputy Chief Shinn stated that Sergeant Tom is in the process of doing that.

Commissioner Veronese stated that the Patrol Specials have been out there for a long long time and the Commission has not heard any complaints against patrol special so clearly they are out there doing the job. Deputy Chief Shinn stated that their complaints go through the Management Control Division. Commissioner Veronese asked why the patrol specials are so under utilized in the Department. Deputy Chief Shinn stated that patrol specials are not recognized under the State as being police officers. Chief Shinn stated that, in his discussions with Jane Warner, patrol specials provide security service for profit. Chief Shinn stated that as far as their representation as providing services on the street, absolutely, just as a number of security companies in San Francisco provide security services and enforcement service in this City also. Commissioner Veronese asked why is the "for profit" aspect a negative issue. Chief Shinn stated that they represent themselves as small business owners. Commissioner Veronese asked why is the Department not utilizing the patrol special officers in their position. Deputy Chief Shinn stated that they are being utilized by the business owners paying for their services.

Commissioner Campos stated that clearly there are issues between the Department and the Patrol Specials. Commissioner Campos asked that a member of the Commission be involve with the committee that's revising the policies and procedures of Patrol Specials. He stated that the Commission needs to move on this issue quickly. He asked what is the time line that the Commission can expect to see a first draft of a revised set of policies and procedures for patrol specials. Deputy Chief Shinn stated that based on the review and opinions of the City Attorney on many of the issues.

Commissioner Sparks stated that she talked to the Deputy City Attorney and the Deputy Chief and told them that what the Commission wanted to do was to bring things to the forefront and that it is a valid policy discussion to have. She also stated that she talked to the Deputy City Attorney and was told that there was a large number of issues that they had not gotten involved in them yet and that it was going to take a period of time. Commissioner Sparks stated that the Commission need to have this policy discussion and hopefully by having this on the agenda once a month, the Commission can move this policy discussion along.

Deputy City Attorney Molly Stump explained that the last time that this item was before the Commission several weeks ago, it was the Commission's sense that given both the large number and the complexity of the specific proposals and the long history and development of this issue going back more than ten years up to significant decisions that have been made by prior Commissions over a period of time, that the Commission is interested in seeing a body of material that would inform the Commission about the history and where this Commission has been over a period of time and also to have a comprehensive understanding of the legal issues that this Commission faces as well as prior Commissions have faced and made decision upon. So the City Attorney's office is in the process of pulling the materials together. Ms. Stump stated that it would be helpful to the Commission as the Commission prepares to participate in a policy discussion. Ms. Stump stated that if this is put on the agenda in the next four weeks, the City Attorney's office will be able to provide that background material for the Commission.

Commissioner Marshall stated that the Commission shouldn't schedule anything with the patrol specials before the Commission can get the history materials.

Commissioner Sparks addressed Ms. Warner and asked her to understand that there is a process that the Commission is trying to move along but until that process is completed, the Patrol Specials Officers have to maintain their services within the letter of the regulation that are written in 1994 and revised in 1998. Commissioner Sparks stated that the letter to the Chief and to the Commission asking for the ability some of the stuff that falls outside the regulations really need to be addressed in the context of this policy discussion.

Commissioner Campos stated his concern is that it's been years since the revision of the policies and procedures, given the changes in San Francisco, and the needs of San Francisco, Commissioner Campos stated that the Commission needs to move on this matter as quickly as possible with the understanding that there is a complexity to the issues that would require time.

Commissioner Campos stated that he would like to hear from the OCC on some of the issue relating to patrol specials that have been raised and one of the questions is how to hold patrol specials accountable.

Deputy Director of Public Works addressed the Commission and expressed support for the patrol special officers.

Commissioner Sparks asked Deputy Chief Shinn to notify Commissioner Campos when the committee meets so that he can sit in and participate.

PUBLIC COMMENT:

Francisco Decosta addressed the Commission and discussed concerns regarding quality of life.

Ace Washington addressed the Commission and stated that if patrol specials are available for community policing, their service should be utilized.

Willie Adams stated that there is a need out there for patrol specials especially for low income communities.

APPROVAL OF MINUTES FOR THE MEETING OF MARCH 29, 2006

Motion by Commissioner Marshall, second by Commissioner Campos to approve the minutes. Approved 5-0.

COMMISSION ANNOUNCEMENTS

a. Withdrawal of the appeal of the Chief's Suspension of Officer Mario Defina (File No. M-JCT-D05-089, OCC #0422-04)

RESOLUTION NO. 29-06

NOTICE OF WITHDRAWAL OF THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER MARIO DEFINA (FILE NO. M-JCT-D05-089, OCC #0422-04)

WHEREAS, a letter was received by the Commission Office from Mr. Steve Johnson, POA Representative, representing Officer Mario Defina, withdrawing his appeal of the Chief's suspension for further proceeding before the Chief of Police; therefore be it

RESOLVED, that the request for withdrawal of appeal of the Chief's suspension filed by Officer Mario Defina for further proceeding before the Chief of Police is hereby approved.

AYES:	Commissioners Sparks, Campos, DeJesus, Marshall, Veronese
ABSENT:	Commissioner Renne

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner DeJesus would like a status report regarding Department General Order 7.01 and the policy regarding the dogs.

Commissioner Sparks would like Sgt. Gittens to make a presentation regarding the process of issuing press passes.

Commissioner Sparks also would like a public hearing on the issue of the Department in the 21st century.

Commissioner Marshall asked about meeting in the Bayview District.

Commissioner Veronese, in addition to recognizing Officer Max Fenner, asked that Mr. Arthur Jackson, Taxi Commissioner, who passed away this week, be recognized and asked that this meeting be adjourned in his memory.

PUBLIC COMMENT:

None

Motion by Commissioner Veronese, second by Commissioner Sparks to adjourn the meeting in memory of Mr. Arthur Jackson.

Thereafter, the meeting was adjourned at 7:30 p.m.

_____

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 19, 2006
5:30 p.m.

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#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call.

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Commission may decide to consider Item Nos. 2 and 3, in whole or in part, in Closed Session pursuant to Government Code section 54957(b)(1) and S.F. Administrative Code section 67.10(b). In which case:

a. Public Comment on all matters pertaining to the Closed Session.
b. Reconvene to open session:
   i. Possible report on action taken in Closed Session, pursuant to Government Code section 54757.1 and S.F. Administrative Code section 67.12(b).
   ii. Vote whether to disclose any or all of the discussion held in Closed Session pursuant to S.F. Administrative Code section 67.12(a).

2. Discussion and possible action to approve the Chief's recommendation for stipulated disposition of the disciplinary charges filed against Officer John Torrise (File No. C05-137 JCT) (ACTION ITEM)

3. Discussion and possible action to approve the Chief's recommendation for stipulated disposition of the disciplinary charges filed against Inspector Eileen M. Murphy (File No. C05-039 JCT) (ACTION ITEM)

4. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Department of Human Resources' update on Q-50 Sergeants Examination

The Police Commission

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Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 19, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. OCC Policy regarding notifications of complaints against officers

6. Commission Announcements (DISCUSSION ONLY)

7. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting at the Central District at Pier 1, on the Embarcadero opposite Washington Street , San Francisco, at 6:00 p.m., on Wednesday, April 26, 2006, to hear comments from the public and Central Station Captain James Dudley concerning public protections issues in the Central District.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

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5:30 p.m.

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APRIL 19, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:45 p.m. in Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall
ABSENT: Commissioner Veronese

PUBLIC COMMENT

Eric Toronto discussed events in October and the closing of streets for this event and discussed concerns regarding officers actions.

Barbara Growth discussed concerns regarding Officer Nelson.

Ace Washington discussed concerns regarding his press pass.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED AGAINST OFFICER JOHN TORRISE (FILE NO. C05-137 JCT)

and

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CHIEF'S RECOMMENDATION FOR STIPULATED DISPOSITION OF THE DISCIPLINARY CHARGES FILED AGAINST INSPECTOR EILEEN M. MURPHY (FILE NO. C05-039 JCT)

The Commission decided to consider these items in Closed Session.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None.

Motion by Commissioner Marshall, second by Commissioner DeJesus to go into Closed Session. Approved 5-0.

The Commission went into Closed Session at 5:50 p.m. and reconvened to Open Session at 6:15 p.m.

VOTE WHETHER TO DISCLOSE ANY OR ALL OF THE DISCUSSION HELD IN CLOSED SESSION PURSUANT TO S.F. **ADMINISTRATIVE CODE SECTION 67.12(a)**

Motion by Commissioner Marshall, second by Commissioner DeJesus for non disclosure of discussion held in Closed Session. Approved 5-0.

HEARING OF OFFICER JOHN TORRISE (FILE NO. C05-137 JCT)

The hearing of Officer John Torrise, Star No. 1765, was called it having been set for this date. Officer Torrise was charged, in a properly verified complaint by Heather J. Fong, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Possession of controlled substances as defined under the California Uniform Controlled Substances Act while off-duty (violation of Department General Order 2.03 of the San Francisco Police Department).

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SPECIFICATION NO. 2

Possession of paraphernalia for unlawful use of controlled substances as defined under the California Uniform Controlled Substances Act while off-duty (violation of Rule 9, Department General Order 2.01 of the San Francisco Police Department).

SPECIFICATION NO. 3

Using controlled substances as defined under the California Uniformed Controlled Substances Act (violation of Department General Order 2.03 of the San Francisco Police Department).

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the department (violation of Rule 9, Department General Order 2.01 of the San Francisco Police Department).

Ms. Kelly O'Haire, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer John Torrise appeared in person and was represented by Mr. Steve Johnson, POA.

Officer Torrise admitted to the truth of the allegations contained in Specification Nos. 1, 2, 3, and 4 and accepts responsibility for his actions.

The Police Commission unanimously accepted the plea of Officer Torrise.

Based on Officer Torrise's admission, the Commission requested a recommendation from Chief of Police Heather J. Fong.

It is the recommendation of Chief of Police Heather J. Fong that Officer John Torrise be terminated, with such termination held in abeyance for five (5) years pending any further acts of misconduct; that Officer Torrise be suspended for eighty (80) days; that Officer Torrise enroll and complete the Department's 11.11 Program for a period of three (3) years; and that Officer Torrise be subject to random substance testing for five (5) years, without limitations.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 30-06

DECISION - HEARING OF OFFICER JOHN TORRISE, CENTRAL (FILE NO. C05-137 JCT)

WHEREAS, on November 9, 2005, Heather J. Fong, Chief of Police of the San Francisco Police Department, made and served charges against Officer John Torrise, as follows:

SPECIFICATION NO. 1
Possession of controlled substances as defined under the California Uniform Controlled Substances Act while off-duty (violation of Department General Order 2.03 of the San Francisco Police Department).

(1) At all times herein mentioned John Torrise, Star Number 1765, (referred to as "the accused") was a police officer, employed by the San

Francisco Police Department, assigned to the Central Police Station.

(2) As a member of the Department, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department.

(3) On March 9, 2005, in the evening hours, the accused was off duty and present at the Fire and Ice Restaurant located at the Marriott Hotel's Timber Lodge in South Lake Tahoe, California. There, he inadvertently left his jacket and its contents behind when he left the establishment and returned to his accommodations at a different nearby hotel. Later that evening, he was contacted via telephone by Loss Prevention personnel from Marriott who advised him that he had left his jacket and its contents, including a pipe and an Altoids can containing marijuana, he was advised how to retrieve his property.

(4) The accused left his hotel and went to the Marriot Loss Prevention office, where he identified his jacket and was given the jacket and a can of smokeless tobacco contained in it. When the accused asked for the return of his pipe and marijuana, he was advised by Loss Prevention personnel that they had contacted the South Lake Tahoe Police Department regarding those items and that, pending their arrival, those items would remain in the custody of Loss Prevention. The accused agreed to remain at the Loss Prevention office pending the arrival of the police and their decision regarding the status of the pipe and marijuana.

(5) After approximately one half hour, and having been told by the Marriot Loss Prevention personnel that the police response had been delayed, the accused elected to leave the Marriot and walk back to his hotel. Having been alerted to this fact by Loss Prevention personnel, South Lake Tahoe Police contacted and detained the accused on the street. After identifying himself by his California driver's license and San Francisco Police Department identification card, in response to their questions the accused confirmed that the jacket, marijuana, and pipe were his. The accused was then released and no further legal action was taken regarding the accused by the South Lake Tahoe Police Department; they did later take custody of the marijuana and pipe from Loss Prevention. Subsequent tests conducted by the California Department of Justice Bureau of Forensic Services at the request of South Lake Tahoe Police Department revealed that the pipe contained 0.18 grams of marijuana and the Altoids can contained 3.08 grams of marijuana.

(6) California Health and Safety Code Section 11357(b) states:

"b. Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars ($100) ...."

(7) The accused engaged in conduct which, in a criminal context, violates the California Health and Safety Code by possessing marijuana without any legal authorization.

(8) California Health and Safety Code Section 11360 (b) states:

"(b) Except as authorized by law, every person who gives away, offers to give away, transports, offers to transport, or attempts to transport not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars ($100.) ....."

(9) The accused engaged in conduct which, in a criminal context, violates the California Health and Safety Code by transporting marijuana without any legal authorization.

(10) The accused, by committing such actions, has engaged in conduct that any reasonable police officer must know violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Department General Order 2.03, which states:

"I. POLICY
A. STATEMENT. Police officer hold a trust from the public. As part of that trust, police officers are empowered to use lethal force without recourse to other than their immediate judgment. This power demands that those who hold it should at all times be in complete physical and mental control. Furthermore, police officers are empowered to deprive other citizens of their freedom when they violate the law. Because they have this power, the public expects, and rightly so, that police officers live up to the highest standards of conduct they enforce among the public generally.

There is sufficient evidence to conclude that the use of illegal drugs, drug dependence, and drug abuse seriously impairs an employee's performance and general physical and mental health.

The Department could be liable for not taking the appropriate steps to ensure that all its members can perform their duties without endangering themselves or the public they serve. The illegal possession or use of drugs is a crime and as such will not be tolerated.

C. ILLEGAL DRUGS
1. Possession/Use. It is the policy of the San Francisco Police Department that members (both sworn officers and non-sworn employees) shall not illegally possess or use any drug or controlled substance identified under Section 11053 to 11058 inclusive of the Health and Safety Code. Narcotic evidence obtained in the course of police duties and processed according to Department policy and procedures is not subject to this policy."

SPECIFICATION NO. 2
Possession of paraphernalia for unlawful use of controlled substances as defined under the California Uniform Controlled Substances Act while off-duty (violation of Rule 9, Department General Order 2.01 of the San Francisco Police Department).

(11) Paragraphs 1 through 10 of Specification No. 1 are incorporated in this charge by reference and realleged as though set forth in full.

(12) The accused, by transporting and possessing a pipe he used to ingest a controlled substance, marijuana, engaged in conduct which any reasonable police officer must know violates the standards of the department and is cause for discipline or dismissal from employment; such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to

disciplinary action."

SPECIFICATION NO. 3

Using controlled substances as defined under the California Uniformed Controlled Substances Act (violation of Department General Order 2.03 of the San Francisco Police Department).

(13) Paragraphs 1 through 10 of Specification No. 1 and paragraphs 11 through 12 of Specification No. 2 are incorporated in this charge by reference and realleged as though set forth in full.

(14) The Department, based upon its knowledge of the facts contained in Specifications No. 1 and No. 2, ordered the accused on March 11, 2005 to supply a urine sample for analysis for drug usage; the accused complied with this directive. The accused also said that he believed the results of this urine analysis would reveal the presence of marijuana in his system resulting from recent use, stating that he had last used marijuana some three to four weeks prior to the March 11, 2005 test and had been using marijuana for at least two years prior to that time.

(15) The Department's guidelines for requesting that a member submit to a drug test is contained in Department General Order 2.03, Drug Use by Members, which states:

"F. DRUG TESTS
1. Requirement. Members are required to immediately submit to a drug test when ordered by the Chief of Police or a Management Control Division investigator. Management Control Division investigators shall complete the Department of Justice 1150 H & S drug influence course for the recognition and detection of drug use prior to carrying out any provision of this order.
2. When a Test May Be Administered. A supervisor may request a drug test be administered by the Management Control Division when there is reasonable suspicion to believe that a member has recently used or is under the influence of any drug. The decision to test will be that of the Chief of Police or the Management Control Division investigator. When any of the following facts are present during an investigation, a drug test (urine or blood) shall be ordered:

- Member admits to the use of drugs.
- Member's body shows evidence of drug use (e.g., track marks).
- Member is found to be in unlawful possession of any drug, or in close open proximity of a suspected illegal drug.
- Member appears to be under the influence of a drug."

(16) The Department's guidelines for drug toxicology laboratory testing results are contained in Department General Order 2.03, Drug Use by Members, which states:

"G. SCIENTIFIC AND TECHNICAL GUIDELINES FOR LABORATORY TESTING
(CUTOFF LEVELS)
1. Initial Test. Initial Testing shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine negative or positive results for these five drugs or classes of drugs:

	ng/ml
Marijuana metabolites	*100*
Cocaine metabolites	*300*

Opiates	*300*
Phencyclidine	*25*
Amphetamines	*1000*

2. Confirmatory Test. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. Quantitative GC/MS confirmation procedures at the following cutoff values shall be used for the following drugs:

	ng/ml
Marijuana metabolites	*20*
Cocaine metabolites	*50*
Opiates	*300*
Phencyclidine	*25*
Amphetamines	*300*

Results below these cutoff values shall be considered negative. Results above these cutoff values shall be considered positive evidence that a member has used illegal drugs, except that tests for marijuana and cocaine shall be handled as set forth below.

3. GS/MS Tests Results for Marijuana and Cocaine. Test results for marijuana between 20 and 50 ng/ml and test results for cocaine between 50 and 150 ng/ml shall be considered along with other evidence to ascertain whether or not a member has used illegal drugs. Results over 50 ng/ml for marijuana, and over 150 ng/ml for cocaine shall be considered positive evidence that a member has used illegal drugs."

(17) On March 18, 2005, the Department received the toxicological report regarding the accused's March 11, 2005 urine sample. The accused tested positive for marijuana metabolites. A subsequent quantitative test indicated that the accused's urine contained approximately 3,414 ng/ml of marijuana metabolites.

(18) The accused, by ingesting a controlled substance, marijuana, has engaged in conduct that any reasonable police officer must know violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Department General Order 2.03, which states:

"C. ILLEGAL DRUGS

1. Possession/Use. It is the policy of the San Francisco Police Department that members (both sworn officers and non-sworn employees) shall not illegally possess or use any drug or controlled substance identified under Section 11053 to 11058 inclusive of the Health and Safety Code. Narcotic evidence obtained in the course of police duties and processed according to Department policy and procedures is not subject to this policy."

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the department (violation of Rule 9, Department General Order 2.01 of the San Francisco Police Department).

(18)*sic* Paragraphs 1 through 10 of Specification No. 1, paragraphs 11 through 12 of specification No., 2, and paragraphs 13 through 18 of Specification No. 3 are incorporated in this charge by reference and realleged as though set forth in full.

(17)*sic* The accused, by knowingly possessing illegal controlled substances, by knowingly transporting illegal controlled substances, by knowingly possessing paraphernalia to ingest illegal controlled substances, and by

ingesting illegal controlled stances, engaged in conduct which any reasonable police officer must know violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule 9 of Department General Order. 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on April 19, 2006, where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer John Torrise's admissions, the Commission finds the allegation contained in Specification Nos. 1, 2, 3, and 4 of the disciplinary charges as preferred by Chief of Police Heather J. Fong against Officer Torrise are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1:	Sustained
SPECIFICATION NO. 2:	Sustained
SPECIFICATION NO. 3:	Sustained
SPECIFICATION NO. 4:	Sustained

That Officer John Torrise be terminated, with said termination held in abeyance for five (5) years; and that Officer Torrise be suspended for one hundred eighty (180) days; and that Officer Torrise shall participate in Department General Order 11.11 program for three (3) years, and that he be subject to random substance testing for five (5) years, from the date of this meeting.

FURTHER RESOLVED, that said one hundred eighty (180) day suspension imposed shall commence on Wednesday, April 19, 2006, at 0001 hours, and terminate on Sunday, October 15, 2006, at 2400 hours. Officer Torrise is directed to make telephone contact with his commanding officer three (3) days before the end of his suspension for further direction regarding his return to duty. If Officer Torrise is unable to reach his commanding officer, he shall report to his unit by 0900 hours on the day his suspension ends.

If this decision is subject to review under Code of Civil Procedure §1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, §1094.6.

AYES:	Commissioners Renne, Sparks, Campos, DeJesus, Marshall
ABSENT:	Commissioner Veronese

HEARING OF INSPECTOR EILEEN M. MURPHY
(FILE NO. C06-039)

The hearing of Inspector Eileen M. Murphy, Star No. 1263, was called it having been set for this date. Inspector Murphy was charged, in a properly verified complaint by Heather J. Fong, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Driving a motor vehicle while intoxicated, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

Ms. Kelly O'Haire, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector Eileen M. Murphy appeared in person and was represented by Mr. Steve Johnson, POA.

Inspector Murphy admitted to the truth of the allegations contained in Specification No. 1 and accepts responsibility for her actions.

The Police Commission unanimously accepted the plea of Inspector Murphy.

Based on Inspector Murphy's admission, the Commission requested a recommendation from Chief of Police Heather J. Fong.

It is the recommendation of Chief of Police Heather J. Fong that Inspector Eileen M. Murphy be suspended for forty-five (45) days and shall participate in the Department's General Order 11.11 program for three (3) years from tonight.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 31-06

DECISION - HEARING OF INSPECTOR EILEEN M. MURPHY, DOMESTIC VIOLENCE RESPONSE UNIT (FILE NO. C06-039 JCT)

WHEREAS, on March 7, 2006, Heather J. Fong, Chief of Police of the San Francisco Police Department, made and served charges against Inspector Eileen M. Murphy, as follows:

SPECIFICATION NO. 1
Driving a motor vehicle while intoxicated, conduct which undermines the good order, efficiency and discipline of the Department and which brings discredit on the Department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

(1) At all times herein mentioned, Eileen M. Murphy, Star Number 1263, (referred to as "the accused") was a police officer, employed by the San Francisco Police Department, assigned to the Investigations Bureau, Domestic Violence Response Unit.

(2) As a member of the Department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) On March 28, 2005, at approximately 1620 hours, the accused was off duty driving her personal vehicle, a 2004 Honda automobile, west on Sir Francis Drake Boulevard in the City of Fairfax, Marin County, California.

(4) As the accused turned south from Sir Francis Drake toward Alhambra Circle, the accused collided with a 2003 Chevrolet Tahoe that was traveling east on Sir Francis Drake Boulevard.

(5) Fairfax Police Department personnel responded to this collision. A Fairfax Police Officer approached the accused, whom in the aftermath of the accident was still seated in the driver's side seat of her vehicle behind the steering wheel. The Fairfax Police Officer detected the odor of an alcoholic beverage on the accused's breath. The accused's eyes were bloodshot and watery and her speech was slurred. The accuse, in response to a question posed by the Fairfax Police Officer, said that she had consumed beer. The accused informed the Fairfax police Officer that she would be unable to attempt to perform any field sobriety test because she was unstable. The officer determined that the accused might be under the influence of alcohol, and administered a preliminary alcohol screening test at 1643 hours. The accused tested at 0.312/.335 percent blood alcohol by volume.

(6) Based on his observations the Fairfax Police Officer arrested the accused for violating California Vehicle Code §23152(a) and informed her of the requirement for testing under the implied consent law. The accused agreed to take a breath test which was performed at the Marin County Main Jail at 1723 hours. The results of the blood alcohol tests were .27 and .25 percent of alcohol, by weight, in her blood.

(7) California Vehicle Code §§23152 (a) and (b), state:

"§ 23152. DRIVING UNDER THE INFLUENCE.
(a) It is unlawful for any person while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.
(b) It is unlawful for any person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle..."

(8) The accused engaged in conduct which, in a criminal context, violates the California Vehicle Code: by driving a motor vehicle while under the influence of alcoholic beverages which violates §23152(a); and by driving a vehicle with more than 0.08 percent, by weight, of alcohol in her blood, which violated California Vehicle Code §23152(b); any reasonable police officer must know that such conduct violates the standards of the Department and is cause for discipline or dismissal from employment; such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on April 19, 2006, where the matter was

submitted to the Police Commission for decision; and

WHEREAS, based on Inspector Eileen M. Murphy's admissions, the Commission finds the allegation contained in Specification No. 1 of the disciplinary charges as preferred by Chief of Police Heather J. Fong against Inspector Murphy are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1: Sustained

That Inspector Eileen M. Murphy be suspended for forty-five (45) days commencing forthwith, and that Inspector Murphy shall participate in the Department's General Order 11.11 program for three (3) years from the date of this meeting.

FURTHER RESOLVED, that said forty-five (45) day suspension imposed shall commence on Thursday, April 20, 2006, at 0001 hours, and terminate on Saturday, June 3, 2006, at 2400 hours. Inspector Murphy is directed to make telephone contact with her commanding officer three (3) days before the end of her suspension for further direction regarding her return to duty. If Inspector Murphy is unable to reach her commanding officer, she shall report to her unit by 0900 hours on the day her suspension ends.

If this decision is subject to review under Code of Civil Procedure §1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, §1094.6.

AYES:	Commissioners Renne, Sparks, Campos, DeJesus, Marshall
ABSENT:	Commissioner Veronese

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Department of Human Resources' update on Q-50 Sergeants Examination

Chief Fong updated the Commission on events in the past weeks. She also talked about attending a drill at the Office of Emergency Services where Emergency Operations and the Department Operations discussed working shifts in an event or incident lasting over 12 hours. The Chief also stated that the Mayor had convened a Policy Executive Education Seminar on homeland security issues.

Commissioner Sparks asked if there has been any discussions regarding emergency preparedness how many officers live in city or outside the city and how many will be available for a sustained period of time in case of an emergency. Chief Fong stated it depends on the day and time of the week; day watch vs swing vs mids.

Commissioner Sparks asked how many, as far as the command staff, lieutenants and above lives in the City. Chief Fong stated that it has not been broken down as of yet but will get it to the Commission

Chief Fong talked about dispatch and calls for service.

Dr. Bruce Top, DHR, made presentation regarding the Q50 Sergeant examination.

Commissioner Renne thank Dr. Topp for a very professional presentation.

Commissioner Sparks asked if banding is still used with the sergeant's and lieutenant's lists. Dr. Topp said that the Civil Service has the rule of five.

Commissioner Sparks asked about the lieutenants promotions. Chief Fong stated that there will be promotions soon.

Commissioner Renne asked if DHR is involved in recruiting and asked how to update and modernized ways in which to recruit officers. Dr. Topp stated that he has hired a recruiting manager for DHR and that person will start on the 24th.

Commissioner Campos asked about recruiting and would like to hear more on a recruitment plan and to have something in writing that outlines strategy, and Commissioner Campos also would like to know about involvement of communities. Dr. Topp stated that they will certainly have a plan.

Commissioner Marshall asked why is there a small available work force. Dr. Topp stated that it's due to a bubble with the baby boomers who are now getting older and the number of applicants are much smaller.

Commissioner Sparks asked about year round recruiting and when tests are scheduled. Dr. Topp stated that there's a three-month testing time frame. Commissioner Sparks asked about background investigators. Dr. Topp stated that the Department needs background investigators to get candidates into the academy. Commissioner Sparks asked how the City can compete with other cities. Dr. Topp stated that the Department is very competitive and that salaries are very good but the cost of living is a challenge. Commissioner Sparks asked if the city has looked into housing assistance. Dr. Topp stated that they are being discussed.

Commissioner Campos stated he would like to see police recruiting in schools and send a message to young people and go into communities.

PUBLIC COMMENT
None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. OCC Policy regarding notifications of complaints against officers

Director Allen reported on the OCC's policy regarding notifications of complaints against officers.

Commissioner Sparks asked when officers are notified do they receive a narrative from the complainant. Director Allen stated yes, that is correct and they are notified of the allegations as well as the complaint form. Officers are immediately notified upon receipt of the complaint.

Commissioner Sparks stated that officers should know the specifics of the complaints. Director Allen stated that is correct. Whatever the complainant fills out and gives to the OCC, it is forwarded to the officer.

Commissioner Sparks asked at what point are officers notified of additional allegations. Director Allen stated that by the time the officer arrives

for his interview, all allegations are known and listed.

Commissioner Marshall stated that getting agreements between the different entities is very difficult and that there should be a way to get the POA and the OCC side by side and work things out.

Mr. Steve Johnson, POA, stated that this is not about notice. He stated that Mr. Allen is confusing the process with the policy. Mr. Johnson stated that the process works and the policy doesn't. He stated that the policy decision should be determined by the Commission and not by Director Allen. It is not the notice itself but the policy decision by the director of not letting the officers know specifically what the allegation means.

Commissioner Renne stated that when the OCC contacts the officer, there's a copy with the substance of the complaint given to the officer. But what the POA is saying if the complaint says there was an unwarranted arrest, there should be specificity as to the unwarranted arrest.

Commissioner Renne asked what is done if the allegation is not explained and is there some discussion after the officer is interviewed. Mr. Johnson explained that he goes to the interview. The interview is unwarranted action for the arrest and an incomplete or inaccurate police report. So the OCC will do their job and ask the officer what happened. The officer complies and gives the information and at the end when the OCC investigator asks, do you have any other questions, Mr. Johnson stated that he would always say, yes, I have a question. Was the allegation of unwarranted action for the arrest answered? Was that allegation answered by the officer's comments? The investigator will then say, we can't tell you that. Mr. Johnson stated that how can the POA be sure that the officer was given a full opportunity to answer the OCC's concerns. The investigator will then say, well, we can't tell you that. We were told not to tell you.

Commissioner Renne asked if the officer goes in, presumably the investigation has been done by the time the investigator talks to the officer and is the officer never again given notice if the complaint is going to be sustained. Mr. Johnson stated that the officer is never again given notice. Commissioner Renne asked does the officer just get a notice that the charge is sustained. Mr. Johnson stated that the officer does have an opportunity for an OCC investigative hearing.

Director Allen stated that it is a preliminary investigation and makes preliminary findings. If there is a sustainable charge, all the OCC is making is a suggestion to the Chief. Director Allen stated that matters are turned over to the Chief. He stated that the interview is conducted in accordance with the Government Code. The officer can bring a representative. The representatives are afforded time to ask questions of the officers. So if an officer comes in and the investigator says, did you conduct an arrest on this date. Yes. Did you conduct it in accordance with your training. Yes. Did you arrest this person. Yes. The investigator may go through all those questions. If the representative is effective in doing their job, they can ask the officer why did you arrest this person. Did you have probable cause to arrest this person. Did you feel this was a valid arrest. The representatives are afforded all that time at the end of the interview. Director Allen stated that what Mr. Johnson is asking is for the representative to stop the interview and ask an investigator, did we satisfy your questions as of right now. Director Allen stated that from depositions to police interrogations, he stated that he has never seen an interview that would go in that fashion. Director Allen stated that a representative is there to protect the rights of the officer. Director Allen stated that he never had an investigator cut a representative off at the end of the interview. Director Allen stated that they ask every question from the point of the officer's point of view, that would be fine.

Commissioner Renne stated that what she understands the complaint to be is that the officer will give his/her version of the story and that's the end of dialogue and then out of the clear blue there is a notice of sustained/not sustained complaint without any further dialogue. Director Allen stated the OCC 's finding is a preliminary finding that is turned over to the Chief. MCD reviews the OCC's sustained findings. OCC will write up a complete summary of all allegations that are sustained and turn that over to the Chief. If it is not sustained, the officer receives a letter that says this is not sustained. This was proper conduct. Once the OCC investigation is turned over to MCD they will make a suggestion based on their review, suggest that to the Chief, and sends letter to the officer as far as the findings. OCC is a preliminary finding and it is a recommendation that's made to the Chief.

Commissioner Renne asked that it goes to the Chief and then the Chief will make a final determination of whether it is sustained or not the OCC's preliminary findings. Director Allen stated, yes, that is correct. But at this point the officer has seen and may have a chance to ask for an investigative hearing after they receive their letter, generally if they can provide new information, the OCC will turn that over to an independent hearing officer who will bring both parties in. The officer can do a case review. The complainant can do a case review and the would both go in and present their case to an investigative hearing officer who can then suggest to the OCC Director if the hearing officer agree with the OCC's findings.

Commissioner Renne asked what is done with the cases when the Director can come directly to the Commission. Director Allen stated that those cases will still have to go through the Chief for a meet-and-confer process with the Chief. Commissioner Renne stated that sometimes there is not a lot of time between the OCC turning over matters to the Chief and the Chief having to make a determination. Director Allen stated that is true. Commissioner Renne stated that that is a problem.

Director Allen explained that people view the interview as a hearing when they come in. It is not a hearing, it is an interview. It's a time to gather information. It is akin to a deposition or any other interview. Director Allen stated that the sustained report that MCD receives has all the witness statements, the police report, the interview tapes. Officers are given an opportunity for a full hearing either before the Commission or before the Chief where information is presented.

Commissioner Sparks asked an officer is charged with incomplete report. Do the OCC, in discussion with the officer, say it is an incomplete report because of X. Director Allen stated no. The OCC asks the officer, did you write a report on this day. Yes, I did. What did you include in your report? I included such and such. Why did you include that? Because of my training experience, I included this information. Do you feel that it was a complete and accurate report? Yes, I do.

Commissioner Sparks asked Director Allen if it is explained to the officer the problem with the report is and why not. Director Allen stated that his indications from other departments, that is not the way interviews are conducted.

Commissioner Sparks asked if Director Allen believes that when the officer leaves the interview, that they are fully aware of why they were charged with this particular allegation. Director Allen stated yes. Commissioner Sparks would it be fair to ask the question, do you understand why these allegations are being made. Is that an unreasonable question to ask the officer. Director Allen stated that that is something that can be considered. Commissioner Sparks stated that it should be a fair question to ask the officer if he understands why he is being charged. Director Allen stated if need be he

will transcribe one of the interviews so that the Commission can see the steps.

Mr. Johnson stated that what he would like to see is tell the officer why the report is inaccurate and on an unwarranted action on the arrest, tell the officer what is unwarranted about the arrest and just to keep it simple.

Commissioner DeJesus stated that it is very important that an officer file an accurate report and maybe the Commission should see some examples of the incomplete report or the unwarranted arrest allegations. Commissioner DeJesus stated that due process is very important and hopefully the two can meet and confer and resolve this issue.

Commissioner Campos stated that the Commission should look at a couple of examples to get a better sense of what the issues are. There is a specific concern and would like to have a follow up on this.

Chief Fong wanted to clarify Director Allen's statement that when the OCC sustains a complaint, preliminary finding they send it to MCD. Chief Fong stated that on each summary document, there is a face sheet, and on that face sheet, it says "I recommend it go to the Commission" or "I recommend it remain at the Chief's Level." If it's to be remained at the Chief's level, then it is the Department's responsibility to review it, decide to sustain it, and then pursue appropriate discipline, if it is appropriate. If it's checked, "I recommend that it go to the Commission," then the Chief has to go to that meet-and-confer process and the Chief has no further authority unless she can convince the Director or show him that these are the facts that make it appropriate to go to the Commission and if so, then I'm willing to sign the charges or, in some cases, if the Chief says she doesn't think it is a Commission level case, she will file it with the Chief's level, Chief Fong stated that she has no authority. Chief Fong stated that once that box is checked, the ball is in Director Allen's court no matter how she argues around that. Chief Fong stated that all cases come to the Department but until that process is followed, depending on what is checked on that face sheet, the Chief only has a certain amount of authority.

Commissioner Renne asked isn't it the case on the officer's personnel chart that once the OCC writes sustained, that's there regardless of what happens later. Chief Fong stated that in the MCD card, if it does comes from the OCC, it is listed as sustained or ultimately the Department's action. Chief Fong stated that she is not sure if that change is made on the OCC card. She stated that if that case did come with a preliminary finding of sustained and it was ultimately not sustained, then both the OCC multiple card and the Department's MCD card should reflect that change in the status.

Commissioner Marshall stated that Mr. Johnson's concern is that it takes a tremendous amount of time away from the job. There needs to be tweaking in this process and asked the Commission President as to what to do. Director Allen stated that he will provide transcripts of tapes so that the Commission can see the interview techniques of the OCC. Commissioner Marshall asked that the problem ones be given to the Commission.

Commissioner Campos asked what the department has to say about this issue and maybe the Department can say something.

Commissioner Renne asked once the box is checked sustained, can they talk to the investigator. Director Allen stated that they can request for an investigative hearing and findings have been changed in the past and they have overturned findings.

Mr. Johnson stated that there is a direct impact on morale. He will work with Director Allen to fix this thing and hopefully come into an agreement.

Chief Fong stated that when an allegation of misconduct are lodged against on of the officer, it is important that the Department get to the bottom of it to find out what happened. Chief Fong stated that part of that process is making sure it's not just disciplining somebody, it is making sure that whatever the dilemma was, whatever the problem was is resolved and the officer understands that if a mistake was made, if there was a problem, that that's handled so that it doesn't become a problem in the future and it's not repeated again. Chief Fong stated that sometimes by sustaining a complaint it results in discipline, Chief Fong stated that for her it is more important to make sure the officer understands what they did wrong, what mistake was made so that it doesn't happen again. Chief Fong stated that it is important the officers know exactly what was the problem and this is why the decision is made.

PUBLIC COMMENT

None

COMMISSION ANNOUNCEMENT

The Commission will hold their district meeting in the Central District on April 26th, at 6:00 p.m., Pier One, Embarcadero and Washington Streets.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Marshall reminded the Commission of their priority list.

Motion by Commissioner Campos, second by Commissioner Marshall to adjourn the meeting.

Thereafter the meeting was adjourned at 8:15 p.m.

_____

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 26, 2006
6:00 p.m.

CENTRAL DISTRICT
Pier One
Washington and Embarcadero Streets
San Francisco, California

DOCUMENTS DEPT.

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Pledge of Allegiance; Roll Call

1. Chief's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

2. OCC Director's Report (DISCUSSION ONLY)
   a. Report on the function of the Office of Citizen Complaints

3. Approval of minutes for the meetings of April 5th and 12, 2006 (ACTION ITEM)

4. Commission Announcements (DISCUSSION ONLY)

5. Captain James Dudley, Commanding Officer of Central Station, to address the Commission on Police Activities in the Central District (DISCUSSION ONLY)

6. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

7. Scheduling of items identified for consideration at future Commission meetings. (DISCUSSION ONLY)

The Officers of Central Police Station invite you to the monthly meeting of the

San Francisco Police Commission

6:00 PM

Wednesday April 26, 2006.

Pier One

Washington/Embarcadero

For further information contact Officer Fred Crisp @ 315-2423

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 26, 2006
6:00 p.m.

CENTRAL DISTRICT
Pier One
Washington and Embarcadero Streets
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in te Commission Rules (Administrative Code 67.15(c)).

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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The proceeding will be held at: Pier 1 on the Embarcadero opposite Washington Street

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For information about MUNI service call 923 6142

The closest BART Station is: _____

Accessible parking _____

For information about the meeting call 415-553-1667 **(v) or** 415-553-9194 **(tty)**

APRIL 26, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Central District, Pier 1, Washington and Embarcadero Streets, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Campos, DeJesus, Veronese
ABSENT: Commissioners Sparks, Marshall

Commissioner Renne welcomed the audience and asked the Commissioners to introduce themselves.

CHIEF'S REPORT

a. Review of Recent Activities

Chief Fong welcomed the audience and introduced the Command Staff that were present. Present were Deputy Chief Pengel, Commander Craig, Deputy Chief Parra, Commander Tacchini, and Commander Harper.

PUBLIC COMMENT:
None

OCC DIRECTOR'S REPORT

a. Report on the function of the Office of Citizen Complaints

Director Allen introduced himself and talked about the function and responsibilities of the Office of Citizen Complaints.

PUBLIC COMMENT:
None

CAPTAIN JAMES DUDLEY, COMMANDING OFFICER OF CENTRAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE CENTRAL DISTRICT

Taken out of order.

Captain Dudley, commanding officer of Central Station, addressed the Commission on police activities in the Central District. Captain Dudley described the Central District.

PUBLIC COMMENT

Taken out of order.

Lee Goodin discussed concerns regarding North Beach Place public housing.

Cindy Wandell, Director of SAFE, commended Captain Dudley and his officers for being involved in community policing.

Selene Sternis, Property Manager Northpoint Shopping Center, discussed concerns regarding crime increase at the shopping center. She thanked Captain Dudley and the officers of Central Station for everything that they have done.

Lance Evander, North Beach resident, discussed concerns regarding sharp increase in crimes and graffiti in the Fisherman's Wharf area. He gave photos of graffiti to the Commission.

Nan Roth, Telegraph Hill resident, discussed concerns regarding activities on Broadway and the issuance of liquor licenses.

Eleanor Shinn, Grant & Lombard resident, discussed concerns regarding break-in at their condominium and what the does the police do in regards to Coit Tower.

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Zack Stewart, Water Street resident, discussed concerns regarding alcohol consumption in the North Beach area.

Dennis Weatherall, Francisco Street resident, discussed concerns regarding graffiti and noise problem.

Bob Trumbull, Telegraph Hill resident, discussed concerns regarding drugs and alcohol activities and asked that a DUI check be set up at the bottom of Telegraph Hill.

Commissioner Renne asked for more information on the Reading Program that was done with SAFE.

Commissioner DeJesus asked about concerns with alcohol permits. Captain Dudley stated that he had attending meetings of the Entertainment Commission to voice opinions and certain restrictions on Broadway clubs and he has attended every meeting of the Entertainment Commission. He also addressed concerns regarding juveniles and alcohol. He also asked Supervisor Peskin to enact a curfew for the adult entertainment area. Captain Dudley also stated that his district is about 20 percent down on staffing.

Commissioner Campos asked what is being done with the Coit Tower situation. Captain Dudley stated that he's been working with the different city agencies that is in charge of Coit Tower. He stated that lighting is a problem and closing the parking area is also problematic but the group is looking for some consensus. Captain Dudley stated that loitering should not be allowed. The Department is also doing hourly passing calls on the weekends.

Commissioner Campos asked about the alcohol issue. Captain Dudley stated that he has had meetings with the merchants but some have listened and some have not. He stated that he's talked to ABC to do training for the bars and clubs to teach them what their duties and responsibilities are. There is also a separate training for the liquor store merchants. Captain Dudley explained that a STOP program would be more effective than a DUI checkpoint. Captain Dudley talked about foot beat patrols.

Commissioner Campos asked about the outreach program of Central Station. Captain Dudley stated that there are several officers that speak Mandarin and Cantonese.

Commissioner Veronese asked Captain Dudley about any ideas on how to resolve problems in the North Beach area especially with the alcohol problem. Captain Dudley stated that what happens with the clubs is that most of the time you have an absentee owner. He stated that Officer Crisp goes out at night and do physical checks of the clubs, permit checks, establishment checks, and sound checks. If there is a complaint, the Department can check and Officer Crisp follows up with a letter to the owner to let them know. The other officers also have done a great job of documenting the out of compliance clubs and it is followed up during the day time with the Entertainment Commission and the ABC. Captain Dudley stated that it's gotten to a point where owners were brought in and talking to them and telling them that the club is in jeopardy of losing its license.

Commissioner Veronese suggested of assigning an officer during Friday nights and Saturday nights to deal with the club problems. Commissioner Veronese also asked about the graffiti problem in the district. Captain Dudley stated that there has been arrests made in regards to graffiti.

Commissioner Veronese asked the Chief about the issue of staffing. Chief Fong stated that one of the things the Department has been doing is getting the message out about staffing. Chief Fong also stated that the Department anticipates that in the next three to five years there will be upwards 500 officers who will be eligible to retire. The Department is trying to deal

with the reduce level of staffing but the Department is also trying to prevent being down on two fronts. Chief Fong stated that this Commission has been very supportive in terms of staffing. The Board did approve the budget for hiring of 250 officers but the Department will probably get 125 officers out of the 250. Chief Fong also stated that there are currently two academy class that's in progress. One will graduate on June 2nd and the other in November. Chief Fong urged the community to speak out in regards to the staffing budget of the Department.

APPROVAL OF MINUTES FOR THE MEETINGS OF APRIL 5TH AND APRIL 12, 2006

Continued to next week.

COMMISSION ANNOUNCEMENTS

Commissioner Veronese addressed the Chief regarding the graffiti problem and stated that he's been in contact with a private organization that owns some properties and stated that they have offered to pay for two police officers for five years to specifically target people who commit graffiti type offenses.

Commissioner Veronese also addressed the homicide issue and stated that he doesn't think that the Department is doing enough to address this problem. He also stated that he feels that this Commission is also not doing enough to address this problem.

Commissioner Veronese also addressed the issue of morale in the Department and stated that the Commission is here today due to Proposition H and Proposition H was a call to reform the Police Department.

Chief Fong stated she has met with Director Nance based on his comments in the newspaper about the direction he was given with regards to looking at some of the best practices that the Department may or may not have. She stated that she knows that she will have further discussions with the Commission to share some of the ideas in terms of moving forward. Chief Fong stated that she thinks that it is important to note that all the Departments around the nation are always looking at how to do things better and she stated that last week there was a conference in San Francisco that she attended several sessions and on Saturday morning, Chief Fong stated that she and Captain Keohane were there to listen to a speaker from the L.A. Police Department to speak about retooling internal affairs and what was talked about was very interesting and that 50 percent of the things that they talked about, the Department has already been doing.

Chief Fong stated that the homicides in the City this year has tremendously changed in terms of the pattern of last year. Chief Fong stated that last year the Department knew that everything was black on black gang violence and the Department knew that homicides are often driven by narcotics. This year, the number of black on black gang homicides has reduced significantly and what the Department is seeing is a number of homicides that are related to drug activity.

Commissioner Renne stopped the discussion because the issue doesn't fall under announcements.

Commissioner Veronese stated that he would like the Chief to report back on this matter.

PUBLIC COMMENT

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Renne announced that the conference that the Chief mentioned, it was the Police Executive Research Forum that had the meeting in San Francisco last week. Commissioner Renne stated that this is an organization that's actually set up by the Ford Foundation and Alan Nance, head of the Mayor's Office of Criminal Justice, was there, the Chief, was there and there were some very good ideas but what you find is the same kinds of issues that's here in San Francisco are issues every urban city does; use of force et cetera. Commissioner Renne stated that that was followed by a meeting that Commissioners Sparks and Renne had with Alan Nance. Commissioner Renne stated that what Director Nance would like to do is meet with all of the Commissioners and probably schedule that the week after next so the Commission can have the opportunity to dialogue with him. Commissioner Renne stated that homicide is not something that the police department or this Commission alone can solve. It is a community problem with lots of complex facets to it.

Commissioner Renne also stated that per request of Supervisor Maxwell for a joint Police Commission/Board of Supervisors meeting and that Commissioner Renne will be meeting with Supervisor Maxwell on Friday to set up the meeting date.

Commissioner DeJesus requested that the Commission finalize the priority list of the Commission.

PUBLIC COMMENT

None

Motion by Commissioner DeJesus, second by Commissioner Campos to adjourn the meeting.

Thereafter, the meeting was adjourned at 8:57 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 3 , 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION (5:30 p.m. in Room 400)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (DISCUSSION ONLY)

   CONFERENCE WITH LEGAL COUNSEL
   a. The Fire & Casualty Ins. Co. Of Hartford v. CCSF Consolidated with Horacio Cruz v. CCSF, San Francisco Superior Court No. 411478

OPEN SESSION

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   The Fire & Casualty Ins. Co. Of Hartford v. CCSF Consolidated with Horacio Cruz v. CCSF, San Francisco Superior Court No. 411478

6. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 3, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Report on progress toward development of the Early Intervention System

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Presentation of the 1st Quarter 2006 Early Warning Report

9. Presentation of Quarterly Report - Provision of Documents to the Office of Citizen Complaints (October - December 2005) (DISCUSSION ONLY)

10. Discussion and possible action to adopt resolution requesting the Controller's Office to conduct a performance audit of the Office of Citizen Complaints (ACTION ITEM)

11. Approval of the minutes for the meetings of April 5th , 12th, and April 19, 2006 (ACTION ITEM)

12. Commission Announcements (DISCUSSION ONLY)

13. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

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5:30 p.m.

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47 Van Ness, 5 Fulton, 31 Balboa
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MAY 3, 2006 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION REQUESTING THE CONTROLLER'S OFFICE TO CONDUCT A PERFORMANCE AUDIT OF THE OFFICE OF CITIZEN COMPLAINTS

Taken out of order.

Mr. Ed Harrington, Controller, explained that his office has been working on the processes to make sure that it would construct well. He stated that they are out there starting to do the real auditing. He stated that the audit is to look at the effectiveness and efficiency of how the OCC does its job: does it investigate things well in a timely fashion, those kind of issues. Mr. Harrington stated that the people that will be working on the audit are Peg Stevenson, Mark Tipson, and Joanne Held.

Commissioner Campos asked about the time line for the audit. Mr. Harrington stated that they are ready to go now and because of the other needs of the OCC and a move coming up in the next two months, Mr. Harrington stated that two to three months before his office can issue a report. He stated that it could go faster if they can do the audit without getting in the way of the other processes that the OCC needs to do. Mr. Harrington stated that it would be around early summer.

Commissioner Sparks asked, in the process, does it involve the OCC's relationship with working with both the POA in prosecuting certain cases and their relationship in working with the Chief and the SFPD in passing cases between the OCC and the Department. Mr. Harrington stated that it would address those to the extent that it either assists or impedes the ability of the OCC to do their job well.

Commissioner Sparks asked if this audit would specifically look at the OCC in regards to its charter and its function under the rules of the City of San Francisco or would it also look at best practices of other areas to determine whether or not this agency is actually performing to high standards. Mr. Harrington stated that it would look at both. Mr. Harrington stated that the Charter is fairly broad and fairly strong and within the Charter mandates, there is a wide room for effectiveness and efficiency in how they do their work and so he doesn't not expect that the audit would come back with Charter recommendations but they would look at best practices in other civilian oversights. Mr. Harrington also stated that they would look at the processes that they go through and how they make their decisions and whether they have processes to meet all the requirements. So there's a requirement for an annual report, is there a process in place that actually assigns that to somebody and does it actually happen.

Commissioner Campos asked if the audit will look at community outreach by the OCC. Mr. Mark Tipton, Performance Audit Manager, stated that they have looked at outreach as an issue because that was raised early on. They are addressing external communications or communications to stakeholders. He stated that outreach is not the primary focus of the audit but it's definitely something that they are considering and something that they have talked to the Director about. Commissioner Campos stated that one of the

things that he wants to make sure is that the Commission has an assessment of how well the OCC is communicating with the diverse communities of San Francisco and that people in every part of San Francisco know the function of the OCC and the process that they can follow to file a complaint.

Commissioner Renne asked if it is possible to add that as an element of the audit, it would be very useful. Mr. Harrington stated that they will take a look at that.

Commissioner Renne thanked Mr. Harrington and his staff for attending the meeting.

PUBLIC COMMENT:

Mark Schlosberg, ACLU, stated that this will be an important document. He had some suggestions. In regards to the reduction of complaints, he stated that it would be helpful if the audit looked at whether there were any process changes in terms of outreach.

Barbara Growth discussed concerns regarding two separate trips to Russia.

Ace Washington stated that Director Allen had come out to their community meeting and shared information with them.

Motion by Commissioner Sparks, second by Commissioner Veronese. Approved 6-0.

RESOLUTION NO. 33-06

RESOLUTION REQUESTING THE CONTROLLER TO CONDUCT A PERFORMANCE AUDIT OF THE OFFICE OF CITIZEN COMPLAINTS

WHEREAS, the Charter requires the Office of Citizen Complaints (OCC) to promptly, fairly and impartially investigate complaints of police misconduct or allegations that a member of the Police Department has not properly performed a duty; and

WHEREAS, the Police Commission is responsible for organizing and managing the OCC; and

WHEREAS, it is important to San Francisco's residents, police officers, OCC staff, and City officials that the OCC accomplish its mission in a timely, efficient, and effective manner; and

WHEREAS, the Charter empowers the Controller's Office of the City and County of San Francisco to conduct periodic, comprehensive financial and performance audits of city departments, services, and activities; now, therefore be it

RESOLVED, that the Police Commission hereby requests the Controller's Office to conduct a performance audit of the OCC. The Police Commission urges the Controller's Office to include in the audit an analysis of whether the OCC is operating efficiently and effectively, and whether it is complying with the legal and procedural requirements to which it is subject. To the extent that the audit identifies any shortcomings in OCC's policies, procedures or practices, this Commission requests that the Controller provide specific recommendations for improvement that are under the control of OCC management or this Commission.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

Commissioner Renne congratulated Dr. Joe Marshall for winning the Jefferson Award and the McArthur Award.

Commissioner Renne asked the City Attorney to provide the Commission with the Board of Supervisor's resolution on annual reports.

PUBLIC COMMENT

Taken out of order.

Jeannette Berger discussed concerns regarding calling the police and getting legal advice.

Barbara Growth discussed concerns regarding gas increase in gas prices.

Ace Washington discussed community meeting with the Commission and the Board of Supervisor's subcommittee in June at the Ella Hill Hutch Center. He also passed out documents to the Commission.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Report on progress toward development of the Early Intervention System

Chief Fong talked about the passing of Sergeant Tsujimoto and will advice the Commission of the services as soon as details are finalized.

Chief Fong talked about the demonstration that happened on Monday. She stated that it was one of the largest demonstration that the Department has seen in recent history. She commended Deputy Chief Shinn and Commander Tacchini in working together with the organizers. Chief Fong stated that the demonstration went very well and there were no incidents of violence to report.

Chief Fong responded to a question by Commissioner Veronese in regards to what the Department is doing in regards to certain violent incidents. Chief Fong stated that Deputy Chief Tabak will update the Commission on some of the major initiatives that have occurred as well as some of the arrests that have been made in some of the incidents.

Deputy Chief Tabak updated the Commission on events relative to homicides. Chief Tabak stated that a lot of the homicides this year fall into the dynamic challenges that he spoke about in January. Chief Tabak reported that on the first of May, there were two homicide arrests that were made for homicides within a week. He stated that in those two incidents, there were willing witnesses to come forward and provide the Department with the essential information that within a matter of days, the Department has the killer in custody. Chief Tabak expressed frustration when the public is not aware of the great work that's being done every day by the men and women of the Department.

Commissioner Renne asked to include the press releases included in the Commission packets.

Deputy Chief Tabak stated that year to date, the homicide number in San Francisco are 27. Year to date last year there were 27, and year to date in 2004, there were 32. Chief Tabak stated that this year, attributed to the target specific strategy, the City is 60 percent down in the black on black gang related homicides. Chief Tabak talked about three operations that the Department has participated in with the FBI, DEA, U.S. Attorney's Office, et cetera, on the 20th of April, after a two year investigation that culminated in the arrest of over a dozen high level drug traffickers with the Hells Angels. Five days later, the

Department arrested 24 drug traffickers in the Western Addition. A week later, the Department culminated a three year investigation with the FBI, DEA, and other Federal Agencies where cocaine dealers and methamphetamine dealers were targeted.

Commissioner Veronese asked of those arrested, how many are back on the streets. Deputy Chief Tabak stated yes they are tracked but it is too early on because it just occurred. He stated that he will probably know within three months what the final dispositions are.

Commissioner Veronese asked if the Department is finding if any of those arrested are know homicide suspects. Chief Tabak stated yes and out of the 24 in custody from the last operation, about 25 percent of those meet that description.

Commissioner Campos asked about the numbers for Latinos. Deputy Chief Tabak stated that year to date there is no change in the Latino homicide and Chief Tabak stated that the Department has seen an increase in the use of firearms within the Latin gangs.

Commissioner Campos asked what the Department is doing in terms of the use of guns in the Latin community. Chief Tabak stated the Department is using the Trigger Lock Program which is a federal charge for possession of a weapon.

Commissioner Marshall asked Chief Tabak on his thoughts about witnesses that do come forward. Chief Tabak stated that information is the life blood of policing and good investigations. Without information, things stand still and community policing is based on people and based on information. Chief Tabak stated that what is happening in San Francisco is traditionally more of a culture as opposed to being fearful. Although there are different factors to facilitate safety for the family of witnesses, there is a culture that does not want to remove themselves from their friends and their family. There is a culture also that don't cooperate with the police where parents teach their young kids not to talk to the police.

Commissioner Sparks how does the Department address issues like the Tenderloin where drug dealing is always occurring. Chief Tabak stated that it is the system and stated that sometimes it is not as a efficient as it should be time line. Chief Tabak stated that there should be a more streamline process where officers can do their job quicker, process of charging could be a little quicker, and the court dispositions could be quicker. Chief Tabak stated that the most significant is that when everyone steps in, the entire criminal justice system, the community. He stated that the Department is willing to work with anyone as long as they are willing to work with the Department to end violence, to end drug dealing, and the senseless killings.

Commissioner Sparks asked about staffing in the Investigations Bureau. Chief Tabak stated that there has been some promotions and stated that there is probably an increase of eight investigators. Unfortunately, there has been a lot of retirements also. There has been an increase of 12 inspectors as compared to six months ago.

Commissioner Sparks asked if the Investigations Bureau is fully staffed that there could possibly be higher clearance rate, better impact on the narcotics dealings on the street, and possibly impact the homicide rate. Chief Tabak stated that with more staffing, the Department can clearly do more.

Commissioner Renne stated that it would be nice to have a discussion on the Department's use of DNA in its investigations and would like to know, in the future, if the Department is having any problems and what, if any,

reliance on State agencies come into play. Chief Tabak stated he would be happy to make a presentation on that topic.

Captain Keohane updated the Commission on the progress toward development of the Early Intervention System. Captain Keohane discussed the role of the Board and who would be included in that Board. Captain Keohane also discussed concerns of the audit function that was not written into the general order. He stated that the Commission should be fully aware of the success of this order. He stated that the ACLU also provided to the Department a total of 17 statistical and qualitative measure that they would like to see measured in an audit to be presented to the Commission on a quarterly basis.

Captain Keohane also stated that one of the issues brought up is whether the arrest of officers should be used as an indicator. He talked to the ACLU about this and assured the ACLU that the Department is automatically notified and is automatically considered as a complaint of misconduct and is investigated by the Management Control Division (MCD). Mr. Schlosberg, ACLU, still has concerns that this is not documented and not aware that that is the process. Captain Keohane stated that the Department is in the process of rewriting DGO 2.05 which will state what the duties of MCD are. Another issue was whether the Department will track cases dismissed in court due to documented concerns over an officer's conduct. Captain Keohane stated that the Department has been and will remain in ongoing discussions with the District Attorney's office to track this. The District Attorney said that they will agree to do this, however, the Department will have to define what is documented concerns regarding an officer's conduct. Captain Keohane stated that the other area was the role of charging of resisting arrest, battery on police officers and so on, whether this would be an indicator or an associated factor. It is the Department's position at this time that it has no baseline in order to make this an indicator. The Department agrees that it has to be measured and the only difference at this time is the Department would like to measure it at this time to find out if it is a problem within the Department and then move forward from that. Possibly that within a year, the Department will have the date to be able to identify where this is.

Captain Keohane stated that it is the Department's wish at this time to have another written policy prepared within four weeks that will be disseminate between the POA, the ACLU, and other interested parties, and allow them two weeks to review this and have another discussion in front of the Commission in six weeks.

Commissioner Renne asked if at the conference that Captain Keohane attended if there were particular experts that he was impress with that the Commission should be considering. Captain Keohane stated that after the April 5th meeting, he provided documentation to the Commission. It was some of the literature from the Department of Justice. Many of those were authored by Samuel Walker and he was one of the speakers at the Phoenix conference.

Commissioner Campos stated that his view of the Early Intervention System is that it's a tool that can be very useful for the officers and he stated that his preference is to have as many factors that can be considered because this is a preventative tool.

(Commissioner Campos is excused at 6:48 p.m.)

Commissioner DeJesus stated that she did read the materials that was provided and did attend the meeting with Captain Keohane and would like to continue to participate in the process. Commissioner DeJesus stated that the Department has put a lot of thought into the system and that they are quite further ahead of the game that the Commission actually realize. Commissioner

DeJesus stated that the Department is at a stage now where they need to hammer out the factors and hammer out the committees in how the committee is going to work and what role its going to play and they determine the methodology for the computer system to work.

Commissioner Veronese stated that he wants to make sure that the Department does not lose the big picture concept of what is going on here with the EIS document and that the document becomes an effective document that deals with that.

Captain Keohane stated that the purpose of the process is to give the Department better accountability and therefore, install a greater trust to the public.

Commissioner Sparks stated and wanted to stress how important the Commission believe this is relative to, not only the use of force issue as pointed out by the Chronicle, but there is so many other issues and moving parts to this thing that this is a very critical element in evaluating all of those.

Commissioner Marshall asked Captain Keohane and Mr. Schlosberg how thing are going between the ACLU and the Department. Mr. Schlosberg stated that Captain Keohane accurately described what transpired in the month. Mr. Schlosberg stated that the ACLU has not objection with the POA participating on a board that will recommend policies as long as there are other interested parties on that board in the discussion also.

Commissioner Sparks asked when everyone agrees on this and it is all set and ready to go, does the Department have the technological capability to implement it today. Captain Keohane stated not today. Chief Fong stated that both EIS funding as well as support funding for the consultant for I.T. as well personnel to be able to run this system are all in the 2006/2007 budget and there has not been a decision as to what is advanced to the Board by the Mayor's Office and what ultimately the Board decides.

Commissioner Sparks stated that to move this process forward, the Department needs a parallel process with the funding and the technology side as consistent with the process of the policy side moving forward. Chief Fong stated that the policy side, in terms of the document, needs to continue. The Department will continue to fight for the budget but at the same time, Chief Fong stated that the Department should not wait for that budget and the Department should start working on the RFP and move forward consistent with what the Department believes is at everyone's interest.

PUBLIC COMMENT

Unidentified discussed concerns regarding witnesses not coming forward.

Ace Washington discussed concerns regarding operations of police in the Western Addition and concerns over comments by Deputy Chief Tabak.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Presentation of the 1st Quarter 2006 Early Warning Report

Director Allen expressed condolences to the family of Sgt. Tsujimoto.

Director Allen presented the First Quarter 2006 Early Warning Report.

Commissioner Renne stated that she did take a look at the report and she has asked the City Attorney whether or not the Commission can go into closed session to discuss some of the substantive matters in the report.

Commissioner Sparks stated that the report is an excellent report. Commissioner Sparks asked if it is possible to indicate if the allegation was sustained or not sustained. Director Allen stated yes that can be done.

Commissioner Veronese stated that the format of the report is a much better format. Commissioner Veronese asked if there are certain factors that if triggered would automatically send a red flag up. Director Allen stated that if it looks or resembles criminal activity in any way, as a protocol, the District Attorney and the Chief are notified. What the OCC is doing is getting the morning reports are out quickly so that supervisors are notified as soon as possible.

Commissioner Renne stated that there is nothing to prevent the Commission from deciding that's there are certain kinds of activities that would be of such a serious nature that even one would be enough warning to require some sort of remedial action.

PUBLIC COMMENT

Steve Johnson, POA, stated that they are just allegations and stated that the Commission might also want to know where the complaints are coming from and a notation to mark if the complaints are coming from criminal defendants.

PRESENTATION OF QUARTERLY REPORT - PROVISION OF DOCUMENTS TO THE OFFICE OF CITIZEN COMPLAINTS (OCTOBER-DECEMBER 2005)

Lieutenant Groshong presented the quarterly report.

PUBLIC COMMENT

None

APPROVAL OF THE MINUTES FOR THE MEETINGS OF APRIL 5TH, 12TH, AND 19, 2006

Motion by Commissioner Marshall, second by Commissioner Sparks. Approved 6-0.

COMMISSION ANNOUNCEMENTS

None

PUBLIC COMMENT

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Renne announced that next week, Mr. Nance, Office of Criminal Justice, will be present. Commissioner Renne asked that the calendar be kept light to allow further discussion and dialogue with Mr. Nance. She asked that Closed Session start at 5:00 p.m. next week.

Commissioner Veronese would like a presentation on the enforcement of the new gun law and what the department's policy is and asked the City Attorney for the progress of discussions. Ms. Molly Stump stated that there was a lawsuit filed in Superior Court and the matter was heard in oral argument some weeks ago and there is a date in late June that the judge indicated would be a time for the ruling to issue at the judge's urging the city and the plaintiffs in that case to reach an agreement not to enforce Prop. H through that date that the superior court judge will rule on the validity of the ordinance.

Commissioner Veronese would like to know if the Department is anticipating any aftereffects from the new law being passed in Mexico in regards to narcotics and would like to know how the Department will be dealing with that.

Commissioner Sparks clarified that the presentation from Mr. Nance is for him to present his ideas on the Mayor's declaration on how he will pursue, in conjunction with the Commission, in reviewing the Department and reviewing aspects around the Department relative to the videos and many other issues.

Commissioner Renne also announced that there will be a joint meeting with the Board of Supervisors tentatively on the first week in June.

PUBLIC COMMENT

None

Commissioner Renne announced that the meeting will be adjourned in memory of Sergeant Darryl Tsujimoto and Sergeant Geoffrey Williams and Retired Inspector Ken Wheeler and Retired Inspector John Fotinos.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner DeJesus, second by Commissioner Veronese to hold Closed Session. Approved 6-0.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)

CONFERENCE WITH LEGAL COUNSEL

a. The Fire & Casualty Ins. Co. Of Hartford v. CCSF Consolidated with Horacio Cruz v. CCSF, San Francisco Superior Court No. 411478

(Reconvened to Open Session at 8:00 p.m.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

Motion by Commissioner Sparks, second by Commissioner DeJesus for non disclosure. Approved 6-0.

APPROVAL OF CONSENT CALENDAR

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
The Fire & Casualty Ins. Co. Of Hartford v. CCSF Consolidated with Horacio Cruz v. CCSF, San Francisco Superior Court No. 411478

RESOLUTION NO. 32-06

THE FIRE & CASUALTY INS. CO. OF HARTFORD v. CCSF

CONSOLIDATED WITH HORACIO CRUZ v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "The Fire and Casualty Ins. Co. of Hartford v. CCSF Consolidated with Horacio Cruz v. CCSF," in San Francisco Superior Court No. 411478, be, and the same is hereby approved.

Date of Incident: February 5, 2002

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

Motion by Commissioner Marshall, second by Commissioner DeJesus to adjourn the meeting in memory of Sergeant Darryl Tsujimoto, Sergeant Geoffrey Williams, Retired Inspector Ken Wheeler and Retired Inspector John Fotinos. Approved 6-0.

Thereafter the meeting was adjourned at 8:02 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 10, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION (5:00 p.m. in Room 400)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (DISCUSSION ONLY)

   CONFERENCE WITH LEGAL COUNSEL
   a. O'Malley, et al. vs. City and County of San Francisco, et al., San Francisco Superior Court Case No. CPF 05-505929

OPEN SESSION (5:45 p.m.)

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Discussion with Director Allen Nance of the Mayor's Office of Criminal Justice in regards to review of the Police Department's operational and organizational structure (DISCUSSION ONLY)

6. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

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Vice President

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 10, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Further discussion of OCC's First Quarter Early Warning Report

9. Approval of the minutes for the meeting of April 26, 2006 (ACTION ITEM)

10. Commission Announcements (DISCUSSION ONLY)
    a. Assignment of disciplinary charges filed against Officer Kenneth R. Weems (File No. C06-060 JF) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

11. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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(Chapter 67 of the San Francisco Administrative Code)

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

MAY 10, 2006 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:27 p.m., in Closed Session.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner DeJesus, second by Commissioner Marshall to hold Closed Session. Approved 6-0.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)

CONFERENCE WITH LEGAL COUNSEL

a. O'Malley, et al. vs. City and County of San Francisco, et al. San Francisco Superior Court Case No. CPF 05-505929

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MAY 10, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 6:10 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12 (a))

Motion by Commissioner DeJesus, second by Commissioner Veronese for non disclosure. Approved 6-0.

DISCUSSION WITH DIRECTOR ALLEN NANCE OF THE MAYOR'S OFFICE OF CRIMINAL JUSTICE IN REGARDS TO REVIEW OF THE POLICE DEPARTMENT'S OPERATIONAL AND ORGANIZATIONAL STRUCTURE

Director Allen Nance stated that following: "First, let me start off by saying that our office has a tremendous amount of respect for the men and women of the San Francisco Police Department and their efforts to keep our city safe, their efforts to solve crimes, and to demonstrate integrity on the part of this city. We recognize that in any department that there are individuals whose performance needs to be reviewed, individuals for whom discipline may be appropriate, and individuals perhaps who should not be police officers. But we believe and recognize that the vast majority of officers in the San Francisco Police Department are good officers, are dedicated to the work that they do, and have a tremendous amount of respect for the citizens of this city. So I want to premise by remarks by making that statement because I do believe that

it's important that the officers know that they are supported by the Mayor's Office and that they are supported by the City.

Several weeks ago, Mayor Newsom asked that I lead an effort to review the organizational and operational efforts within the San Francisco Police Department as they relate to a variety of functions in the Department. The goal is to strengthen and support the work that the Department does, to provide the City with an opportunity to enhance the efforts of that Department, and to provide us with an opportunity to build stronger partnerships with the citizens that it serves.

What we are embarking upon is a change management strategy, and that's a strategy that any department and any entity that is forward thinking would embrace. And that is about identifying ways to improve, identifying ways to strengthen the management and the leadership of the department, and also identify ways to enhance the partnerships with community members.

I can tell you that over the past several months through my dialogue with Chief Fong and other members of the Department, as well as in dialogue with other members of the community, that there are a number of challenges that we acknowledged that face the Department. Obviously, one of those is information technology. As you may know, our office has responsibility for the sponsorship of the justice integrated information project and a component of justice is the RMS system that would be operated by the Police Department. We support the continuing development of that system. We continue to advocate for the resources for the effective implementation of that system, and we believe that once that is in place, that it will significantly enhance the Department's ability to manage information, to solve crimes effectively, and to enhance its accountability internally as it relates to activities within the various districts.

We are hopeful and optimistic that a component of their RMS system will also include an Early Intervention System. This is a best practice that is nationally adopted. It is a best practice that other jurisdictions in California are looking at and it is something that will increase the capability of the Department from a management standpoint to make better decisions about performance, to provide officers with effective feedback relative to their performance, and also identify ways to intervene before behavior or performance becomes problematic. And we support that implementation.

We also recognize and expect, as part of our effort, to look at the recruitment, hiring, and training practices within the Department. Clearly, San Francisco has to focus on bringing in good officers, recruiting and bringing in those officers from a variety of different places, not just locally. We need to look at identifying new officers that represent the diverse communities that exists within San Francisco and we need to make sure that those officers receive the appropriate training, not simply in the Academy, but once they are placed in the field and that they have the appropriate support and supervision to be good officers in this Department.

We also believe that there has to be an effective use of civilian resources, and to the extent that there are opportunities to have sworn skilled officers engaged in police work on the street instead of desk assignments, I think that we should look at that viability. Now, having said that, I also recognize that there is a need to have work assignments available for those officers who are not in a position to return to the street, and we certainly support the Chief's leadership in identifying effective ways to accommodate those officers.

Any component of a reorganization or organization review has to include leadership, and that leadership review should occur at the management

level as well as at the district level, the Captains and Lieutenants and the Sergeants, to make sure that they are receiving the training that they need, the leadership development effort that is required to enhance their skills and abilities and we seek to bring those practices to San Francisco.

You've heard lot of information about community policing, and clearly, community policing is a key component of any effective department strategy in working with members of the community. But let me say this, community policing is not simply a tool that we install but it is a process of engagement that is developed over time: building strong relationships, building effective partnerships, and making sure that the officers have an opportunity to engage with the public in meaningful ways and we seek to identify the best practices nationally that will allow us to enhance our existing community policing strategies.

I have had opportunities to speak with a variety of individuals who are working in this Department and engaging with people in the public and I've also had an opportunity to talk to some of those folks in the community who have a tremendous amount of confidence in the community policing strategies that exists within their neighborhoods. But there is still a substantial amount of work to do in that area and there clearly are certain portions of the community that do not feel that community policing has effectively reached them and we have to do a better job of finding ways to make that happen.

I've talked about bringing in national best practice and making sure that we are leveraging the expertise, not only locally, but the expertise that exists across the nation relative to best practice in policing. And so we've engaged in dialogue with the Police Executive Research Forum – it is a national organization based in Washington – the Community Policing Consortium, also based in Washington, and we expect that we will engage in dialogue with the Rand Corporation and others who have done the work around these issues that we face in San Francisco.

Currently, our office has been working in partnership with representatives from the Kennedy School of Government relative to the cease fire model that we have here in San Francisco. And so, the Department has been very open to the feedback that we are receiving through this consultation. This partnership has occurred as a result of resources that have been made available to us through the Haas Junior Fund and we will continue to analyze data, our data structures, the systems that we have for communicating information about incidents that have occurred and look for ways to improve and enhance our ability to address violent crime in the city.

I can tell you that we recognize that we cannot, in the Mayor's Office, do this alone, nor should we. And, therefore, we fully expect that we will partner with this Commission, with the POA, with the Board of Supervisors, with community members, and I want to stress with community members in finding ways to prioritize our efforts to develop specific goals and objectives that are measurable and to use that as a guide post for the work that we have before us. Our office intends to seek both public and private dollars to fund our efforts and we are happily taking a leadership role in that regard.

In closing, what I would like to further emphasize is that while there is a tremendous amount of work to do, the capacity to do that work exists both within the Department but also on this Commission and within the City. And we look forward to working with you, not working in a different direction. We're not taking the lead in running off in a different direction without your support and your guidance and your input but truly in a true partnership, and I am open to any questions that you may have."

Commissioner Renne thanked Mr. Nance for his presentation.

Commissioner Veronese stated that what he see that is affecting criminal justice in San Francisco is the lack of confidence both from within the police department and the confidence outside the police department in regards to the witness protection program. How can the Mayor's Office help the city and the Department deal with some of those issues. Director Nance stated that San Francisco is no unique in seeing the challenges of having witnesses step forward and testify in cases. Director Nance stated that the Department needs to work with the community to build relationship and credibility with individuals who want to testify.

Commissioner Campos expressed concern that the Department does not have enough resources to do everything that needs to be done and is there a commitment on the part of the Mayor's Office to give the Department all of the resources it needs to live up to the expectations that every community in San Francisco has in terms of dealing with homicides and crime. Director Nance stated that the Mayor's Office is committed to making sure the Department has the resources it needs to be effective but it also recognize that the process to get to that point is one that requires legislative input as well as time and to be able to accomplish the goals in a thoughtful and meaningful way means that there has to be strategies that cut across several fiscal years and efforts have to be prioritized. Director Nance stated that the Mayor is supportive of adding additional resources to the Department and he continues to support additional resources necessary beyond personnel but also for tools designed to help the Department in its efforts to be more effective. Director Nance also stated that he is hopeful that this Commission will be an equal partner with the Mayor's Office in the efforts to identify the priorities and to identify the methodology to address the concerns and the goals that are identified collectively.

Commissioner Sparks read some of the issues faced by the Boston Police Department. Commissioner Sparks asked if the whole structure of the Department needs to be looked at and are the best practices really the best practices or should the City of San Francisco look at a system and an organization and a process that maybe creates the new best practices. Director Nance stated that San Francisco in not unique in some of the circumstances seen in San Francisco and stated that part of any effort to change an organization requires an analysis of the existing organization and that includes the organizational structure and the resource and the manner in which the different bureaus and districts are staffed and even the district boundary lines are inclusive of that analysis and that it is appropriate to consider that all of those areas will be reviewed.

Commissioner Sparks asked if it is possible to formalize the relationship between Mr. Nance's office and the Commission with a committee or a periodic meeting to be able to move forward together in the process. Director Nance stated that he is open to ideas on that issue.

Commissioner Sparks asked if Director Nance will be developing a specific scope to kind of time line where he is planning on starting and to see what his priorities are and how he sees this thing unfolding. Director Nance stated that what he would like to do is to develop a draft of some of the areas that was talked about today and to submit that to the Commission for consideration and input and use that as the next step. He also stated that he will work with the Chief and the Command Staff to make sure that their input is represented in that document as well and that he hopes that at some point some meetings can be convened to invite representatives from the community to begin dialogue to identify the different interests and priorities so that a document can be created to be use to inform national partners in understanding what it is that needs to be work on and the manner that the issues need to be addressed.

Commissioner Marshall asked Director Nance when he would like this

project wrapped up. Director Nance stated that the first phase of this process is to identify where attention should be focused and making sure that experts are identified. Once those experts are identified, they would be able to provide his office with input relative to how this process has worked in other jurisdictions, what the reasonable time frames would be and the Mayor is anticipating that Mr. Nance's office will be able to provide something by the end of the summer that clearly identifies the direction of where it is moving. Mr. Nance stated that the Department has already embarked upon some very significant efforts to look at bringing in best practice.

PUBLIC COMMENT

Patricia Tulloch discussed concerns regarding incident in 22 Filmore bus with juveniles.

Dennis McNally, ACLU, stated that this is the 3rd or 4th evaluation and stated that there are local resources available.

Ace Washington discussed concerns regarding his press pass.

PUBLIC COMMENT

Barbara Growth discussed concerns regarding Officer Nelson.

Lorraine Altamirano discussed concerns regarding the Detoy case.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong updated the Commission and stated that the Department met with Mr. Buker as well as persons who were brought in to work with the City's plan in terms of the replacement facilities for the Hall of Justice and other criminal justice facilities and stated that there was a lot of discussion for building not for what is today but what is 10 to 15 years from now. Chief Fong also stated that they also talked about the redrawing of the district boundaries and how that is going to be a long termed process. Chief Fong also stated that a second meeting was held regarding the DGO Limited English Proficiency Personnel and there will be another meeting in two weeks. Chief Fong also stated that the Department is continuing in the budget discussions with the Mayor's Office and will be briefing Commissioner Sparks shortly so that the Department can let the Commission know the budget progress.

Commissioner Campos stated that the officers should be commended for the way in which they handled themselves during the demonstrations last week.

Chief Fong stated that the community organizers worked with the Department to help keep the events peaceful.

Chief Fong introduced Deputy Chief Tabak to give the Commission an overview regarding the guidelines in regards to witness protection.

Commissioner Sparks asked in regards to request for translators. Chief Fong explained that currently that is a decision that is made by both the dispatcher and the officer who responds to the scene.

Commissioner DeJesus stated that it is important to recognize the need for a translator.

Deputy Chief Tabak presented what witness relocation is and how it works within the San Francisco Police Department. Chief Tabak explained that there is no City Witness Relocation Program. There is the San Francisco Police Department Witness Relocation Program and the District Attorney's Office has their own Witness Relocation Program. They are stand-alone programs. The District Attorney manages their program and the Police

Department manages their program.

San Francisco Police Department has a witness relocation program for many decades. One of the key factors is the ability to, not only develop witnesses that are willing to step forward and help prosecute cases, but also to provide the witnesses the requisite safety given the nature of the case that they are testifying to. The bulk of witnesses relocated deal mostly with homicide, gang-related cases, gang violence, domestic cases, sexual assault cases, but the bulk deal in the homicide and gang homicide.

Witnesses have to agree to be relocated and have to agree to conditions in that relocation. Each individual case, the SFPD assesses individually. Every case has a different threshold of threat. A threat assessment is done for that individual case, for that type of testimony, the type of case, the potential danger level on that witness based on the suspects or people that the witness may be testifying about. Once the threat assessment is done, the witness is relocated. Part of which the program is so successful is that it is highly confidential. The witnesses are moved around because the Department does not want to take chances in which a witness may be compromised.

Chief Tabak stated that in the last two years, the Department have relocated 40 witnesses and approximately 100 in total, counting family members.

Chief Tabak stated that historically, going back 40 years, the Department has never had a witness harmed or killed while in the program.

Chief Tabak explained that what happens is the Department take the witness that's willing to testify and that it is critical to the case, the Department will have the witness, managed that witness, and relocate that witness up until the time the case is going to be charged by the prosecutor, whether it be the District Attorney's Office or the U.S. Attorney's Office. The prosecutor has all post charging responsibilities to manage that witness, to relocate that witness, and to protect that witness to the extent that's necessary to the given threat of the case.

Commissioner Marshall asked the Chief if the Department is going to be part of the summit set for June. Chief Fong stated that the Department looks forward to joining the summit on June 16th.

Commissioner Campos asked Chief Tabak what efforts will be made by the Department to insure that public that they can come forward. Chief Tabak stated that the Department will have conversations with the District Attorney investigators who are in charged of witness relocation.

Commissioner Veronese asked why is the Department doing this program when the District Attorney's Office and the U.S. Marshall's Office has the same program. Chief Tabak explained that the way it works in California is that every county, every prosecutor within that county has the responsibility to take witness relocation on at time of charging. As far as the U.S. Marshall, Chief Tabak stated that the Department use them in quite a lot of different things like tracking wanted suspects that may have fled the state. They don't have the staffing and the resources to take something like the witness relocation program on. Chief Tabak stated that a witness may be in the program from several weeks to several months or longer. Chief Tabak stated that there is two programs instead of two because the Department does not have the staffing to take the program on continuously and the Department certainly do not have the funding.

Commissioner Sparks asked what happens after the case is over with. Chief Tabak stated that sometimes it is permanent and the witness are relocated

permanently to another location.

PUBLIC COMMENT
None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Further discussion of OCC's First Quarter Early Warning Report

Sergeant Reilly announced that Director Allen is not present this evening due to a death in the family and that Director Allen asked that the discussion regarding the first quarter early warning report be put over for next week.

Ms. Susan Leff, Attorney, discussed language access. Ms. Leff also announced that tomorrow the Immigrant Rights Commission is holding a hearing on the equal access to services ordinance and the OCC will be speaking at the hearing about their language access proposal.

Commissioner Renne asked if there is any sort of process that the OCC has to communicate to the Department any sort of allegations or complaints that really seem to be particularly egregious and is there a process and when the OCC gets an allegation that seem to be particularly egregious, does the OCC take them out of the pile to deal with them right away. Commissioner Renne asked that Ms. Leff talk with the Director about this question.

PUBLIC COMMENT
Gary Delagnes, POA President, discussed concerns regarding the actions of Ms. Susan Leff and asked the Commission and the City Attorney's Office to investigate the actions of Ms. Leff.
Steve Johnson, POA, discussed concerns regarding the actions of Ms. Leff.

APPROVAL OF THE MINUTES FOR THE MEETING OF APRIL 26, 2006

Motion by Commissioner Marshall, second by Commission DeJesus to approve the minutes. Approved 6-0.

COMMISSION ANNOUNCEMENTS

a. Assignment of disciplinary charges filed against Officer Kenneth R. Weems (File No. C06-060 JF) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 34-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER KENNETH R. WEEMS (FILE NO. C06-60 JF)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Kenneth R. Weems, Star No. 2042, Homeland Security Unit, was called it having been set for this date; and

WHEREAS, Commissioner Joe Veronese is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Kenneth R. Weems; therefore be it

RESOLVED, that Commissioner Joe Veronese is hereby assigned to

conduct taking of evidence in the disciplinary charges filed against Officer Kenneth R. Weems, and is to be set at a later date.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Renne announced that on June 7th, there will be a joint meeting at the Ella Hill Hutch Center at 6:00 p.m. Commissioner Renne also announced that on June 16th will be the summit with the District Attorney's Office and that Commissioners Marshall and DeJesus will be attending.

Motion by Commissioner Campos, second by Commissioner Marshall to adjourn the meeting. Approved 6-0.

Thereafter, the meeting was adjourned at 8:04 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 17, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) (DISCUSSION ONLY)
CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Bettencourt v. CCSF, Superior Court Case No. 04-504336, Court of Appeal No. A112880
   b. Cota v. CCSF, Superior Court No. 05-505197, 05-505205, Court of Appeal No. A112331
   c. Breslin v. CCSF, Superior Court No. 04-504029, Court of Appeal No. A111455

   Closed Session pursuant to Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation
   a. Application process and qualifications for Patrol Specials and Patrol Special Assistants

OPEN SESSION

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 17, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

6. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

7. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Further discussion of OCC's First Quarter Early Warning Report

8. Dismissal of Disciplinary Charges filed against Officer James O'Malley (File No. C05-056 SL), Officer Timothy Paine (FileNo. C05-057 SL), Officer Ferdinand Dimapasoc (C05-058 SL), and Officer Owen Sweeney III (File No. C05-059 SL) as ordered by San Francisco Superior Court in Case No. CPF 05-505929 (ACTION ITEM)

9. Approval of minutes for the meeting of May 3, 2006 (ACTION ITEM)

10. Commission Announcements (DISCUSSION ONLY)

11. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

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Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

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Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

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MAY 17, 2006 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:44 p.m., in Closed Session.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Marshall, second by Commissioner Veronese to hold Closed Session. Approved 6-0.

CLOSED SESSION PURSUANT O GOVERNMENT CODE SECTION 54956.9(a) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)(1)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Bettencourt v. CCSF, Superior Court Case No. 04-504336, Court of Appeal No. A112880
b. Cota v. CCSF, Superior Court No. 05-505197, 05-505205, Court of Appeal No. A112331
c. Breslin v. CCSF, Superior Court No. 04-504029, Court of Appeal No. A111455

CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54956.9(b) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d)(2)

CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation

a. Application process and qualifications for Patrol Specials and Patrol Special Assistants

MAY 17, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 7:41 p.m., in Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

Motion by Commissioner DeJesus, second by Commissioner Marshall for non disclosure of discussion held in Closed Session. Approved 6-0.

DISMISSAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES O'MALLEY (FILE NO. C05-056 SL), OFFICER TIMOTHY PAINE (FILE NO. C05-057 SL), OFFICER FERDINAND DIMAPASOC (FILE NO. C05-058 SL), AND OFFICER OWEN

SWEENEY III (FILE NO. C05-059 SL) AS ORDERED BY SAN FRANCISCO SUPERIOR COURT IN CASE NO. CPF 05-505929

Taken out of order.

PUBLIC COMMENT
None

Commissioner Sparks asked if the order from the court is available to the public. Deputy City Attorney Molly Stump stated that the City has not received the written order from the judge. The judge did issue an order from the bench so the Commission has been ordered by the Superior Court that the writ has been granted. The written order will be provided into the public record as soon as it is received.

Motion by Commissioner Marshall, second by Commissioner DeJesus to dismiss the charges. Approved 6-0.

RESOLUTION NO. 35-06

DISMISSAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES O'MALLEY (FILE NO. C05-056 SL), OFFICER TIMOTHY PAINE (FILE NO. C05-057 SL), OFFICER FERDINAND DIMAPASOC (FILE NO. C05-058 SL), AND OFFICER OWEN SWEENEY III (FILE NO. C05-059 SL) AS ORDERED BY SAN FRANCISCO SUPERIOR COURT IN CASE NO. CPF 05-505929

RESOLVED, that the Police Commission hereby dismiss disciplinary charges filed against Officer James O'Malley (File No. C05-056 SL0, Officer Timothy Paine (File No. C05-057 SL), Officer Ferdinand Dimapasoc (File No. C05-058 SL), and Officer Owen Sweeney III (File No. C05-059 SL) as ordered by San Francisco Superior Court in Case No. CPF 05-505929.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

PUBLIC COMMENT

Lorraine Altamirano discussed concerns regarding the dismissal of the charges and thanked former Commissioner Peter Keane for writing the article published by the Chronicle.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong updated the Commission on the administration of the Q-2 Police Officer examination held yesterday. Chief Fong stated that there were 800 people who participated and there will be a class of 50 that will be starting the last week of June.

(Commissioner Renne leaves at 7:54 p.m.)

PUBLIC COMMENT
None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Further discussion of OCC's First Quarter Early Warning Report

Director Allen talked about anonymous complaints received by the OCC. Director Allen stated that the OCC Rules allow the acceptance of

anonymous complaints. Director Allen stated that education should not be mistaken as solicitation and explaining to the public that they have a right to file a complain anonymously is not in violation of any rules.

Commissioner Veronese asked what are the standards for requirements for acceptance of complaints. Director Allen stated that the 1983 Rules basically that the OCC will take any complaint from citizen and to deem a complaint frivolous, the OCC will look into any complaints that is filed by a citizen as long as it is by an officer who is on duty or acting under color of authority.

Commissioner Sparks asked the City Attorney if it is clear at when the time frame starts as far as the one year statute of limitation as relative to when the complaint was filed as opposed to when an incident occurred and when notification of the Department occurred. Deputy City Attorney Molly Stump stated that the Government Code states that the time begins to run when an official or city employee or an official who has the authority to investigate is made knowledgeable about the incident. Ms. Stump stated that for the OCC it would generally be the date that a complaint is made.

Commissioner Sparks asked if the POA has contacted Mr. Allen in regards to the incident that they brought to the public's attention last week. Director Allen stated that no. Commissioner Sparks asked if the POA had come to the OCC, would it have been investigated. Director Allen stated yes and they have done that before. Commissioner Sparks stated that what was done last week was an inappropriate comment and constituted a personal attack on an individual and should not have occurred.

Commissioner Campos asked if there has been an instant where the POA has filed a complaint and the OCC have not investigated that complaint. Director Allen stated that all complaints filed are investigated.

Commissioner DeJesus agreed with Commissioner Sparks and stated that the POA should follow procedures before making any comments.

Commissioner Sparks commented regarding the Early Warning Report. She stated that the commission looked at the confidential reports and that there are some egregious allegations. Is there a method in which the Department is notified in a case of an egregious allegation and if there is an egregious allegation, is there a process in which those particular allegations can be prioritized to be investigated first as opposed to some of the less egregious ones. Director Allen stated that the OCC notifies the District Attorney and the Chief if they see anything criminal and that notification would happen immediately after he has been brief on the case. Director Allen talked about the morning report that goes to each commanding officer about the complaints that are received from their district within the week. The report identifies all complaints that come into the OCC. Director Allen explained that there are several processes in place where certain complaints would go immediately to Legal if they have legal issues and they have processes to make sure that evidence are not lost or that witnesses are interviewed as quickly as possible.

Commissioner Marshall asked about a closed session in regards to the Early Warning Report. Deputy City Attorney Molly Stump stated the matter was agendized today on the open session for the Commission to have an opportunity to ask procedural questions not having to do with any of the specific content of that confidential document.

Commissioner Veronese asked about the morning report. Director Allen stated that the complaint forms are supplied along with the morning report to the Commanding Officer and to the officer. Commissioner Veronese asked Captain Keohane as to what happens if an egregious allegation is

received by the Department on an early warning report. Captain Keohane stated that what is being talked about is receiving a complaint of misconduct against an officer. The discussion so far is only been when somebody walks into the OCC and makes a complaint. Captain Keohane stated that the most prevalent way complaints are received about police officers are through the police department and they happen immediately. Captain Keohane stated that under DGO 2.04 spells out when an immediate investigation has to be performed and some of the criteria is the conduct is still occurring, the allegation is that the officer is unfit to perform police duties, a witness may be unavailable later, the complainant alleges criminal conduct, or the complainant alleges unnecessary force resulting in serious injury and medical treatment. When any one of these complaints is received by the police department, OCC is notified immediately. Also, the Deputy Chief of Investigations is notified within the Department and the circumstances are looked at through the totality of the supervisors on the scene and other information. The Captain of Risk Management is also notified and makes a determination whether an immediate criminal investigation should take place as well as any other investigations. Captain Keohane stated that the Department receives the morning report on a weekly basis and Captain Keohane stated that modification into DGO 3.19 and that 293 form received by the commanding officer goes directly to the supervising officer in question. That is then entered into the member's PIP file at the District Station immediately. The supervisor will look if there is any kind of a pattern and practice and, in theory, if there is, action should be taken to correct performance if there is a behavioral problem before it comes to the point of the mandated performance review.

Commissioner Campos asked if anybody looks at patterns that are not specific to an officer but trends that is seen in the Department as a whole or maybe out of the specific station from the morning reports. Captain Keohane stated that the morning reports does not provide the Department that type of information at this time but with the new system, the Department will be able to look at that. Director Allen stated that in the past the OCC has written letters to the Chief in regards to behavioral patterns or trends.

PUBLIC COMMENT

Steve Johnson, POA, discussed concerns regarding comments made by the Commission. He also discussed concerns regarding OCC soliciting complaints.

APPROVAL OF MINUTES FOR THE MEETING OF MAY 3, 2006

Motion by Commissioner Campos, second by Commissioner DeJesus to approve the minutes. Approved 5-0.

COMMISSION ANNOUNCEMENTS

None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Veronese asked that the Commission look into the allegation regarding the OCC subpoena.

Commissioner DeJesus asked the list of priorities be looked at again.

Commissioner Campos would like an update from the Department and OCC regarding the language access issues talked about in the past.

Commissioner Sparks asked about inappropriate videos and would like an update from the Chief regarding the ongoing investigation.

Motion by Commissioner Campos, second by Commissioner Marshall to adjourn the meeting. Approved 5-0.

Thereafter, the meeting was adjourned at 8:45 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Department

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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DOUGLAS CHAN
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PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 24, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION (5:30 p.m. in Room 400)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Sections 67.10(b) and (d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b):

   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and decision regarding return of officers to duty following officer-involved shooting, (OIS Case No. 06-03)

OPEN SESSION

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in Closed Session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Discussion and possible action regarding proposed Community Safety Camera Ordinance (Board of Supervisors file #060086); possible action to provide input or recommendations to the Board of Supervisors (ACTION ITEM)

6. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 24, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities
   b. Presentation of OCC's Annual Audit under SFPD General Order 8.10 (DISCUSSION ONLY)

9. Election of Commission Officers per Commission Rule 2.3, as amended 01/12/05 (ACTION ITEM)

10. Commission Announcements (DISCUSSION ONLY)
    a. Assignment of disciplinary charges filed against Officer Glen J. Ghiselli (File No. C06-043 KMO) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

    b. Assignment of disciplinary charges filed against Patrol Special Officer Lisa M. Wiley (File No.C06-041 KMO) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

11. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting next month at a location other than City Hall.

1. The Commission will hold a Community Meeting at the Ella Hill Hutch Community Center, 1050 McAllister St., San Francisco, at 6:00 p.m., on Wednesday, June 7, 2006, in conjunction with a meeting of the Board of Supervisors' Select Committee on Ending Gun and Gang Violence.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
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MAY 24, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:39 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED COMMUNITY SAFETY CAMERA ORDINANCE (BOARD OF SUPERVISORS FILE #060086); POSSIBLE ACTION TO PROVIDE INPUT OR RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

Taken out of order.

Supervisor Mirkarimi, District 5 Supervisor, described the ordinance.

RESOLUTION NO. 36-06

APPROVAL OF THE POLICE COMMISSION TO ENDORSE THE PROGRAM AND TO SUPPORT THE PROPOSED COMMUNITY SAFETY CAMERA ORDINANCE LEGISLATION (BOARD OF SUPERVISORS FILE NO. 060086)

RESOLVED, that the Police Commission hereby endorses the program and expresses its support for the proposed Community Safety Camera Ordinance Legislation (Board of Supervisors file #060086).

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

PUBLIC COMMENT

Elizabeth Zitrim, ACLU, stated that the ACLU is opposed to video surveillance cameras because they intrude on people's privacy and they no proven law enforcement benefit.

Steve Currier expressed support for the cameras and would like cameras in the outer Mission/Ingleside area.

Unidentified, ACLU, opposed to video surveillance.

Ace Washington asked that the community be involved and that community input be taken into consideration.

John Grand, ACLU, opposed to video surveillance.

Motion by Commissioner Sparks, second by Commissioner Campos to endorse the program to the Board of Supervisor in support of the legislation. Approved 6-0.

PUBLIC COMMENT

Taken out of order.

Marlin Croft discussed concerns regarding a police report.

Ace Washington asked that an item be placed on the June 7th agenda in regards to a presentation from the African-American Police Community Relations Board.

Gary Delagnes, POA President, discussed concerns regarding Ms. Leff of the OCC and discussed concerns regarding comments made by the Commission in last week's meeting. Mr. Delagnes asked that the Commission asks for a legal opinion from the City Attorney clarifying the Commission's jurisdiction to investigate the Ms. Leff matter and if the Commission refuses to

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make said request, Mr. Delagnes asked that the Commission notify the POA of its refusal to do so within a two-week period.

Clark Sullivan, Medical Cannabis, discussed concerns regarding Inspector Halloran.

Barbara Growth discussed concerns regarding Vodka in coffee.

Lucifer Cheshire discussed concerns regarding Inspector Halloran.

Unidentified discussed concerns regarding inspections of medical cannabis club.

Unidentified discussed concerns regarding raid by the police and concerns regarding Inspector Halloran.

Sonia Miles, medical cannabis patient, asked that Inspector Halloran be accountable for his actions.

Walter Morrow, medical cannabis patient, stated that medical marijuana card is useless.

Unidentified discussed concerns regarding medical marijuana.

Shawna Gochenaur discussed concerns regarding harassment by Inspector Halloran.

Unidentified discussed concerns regarding harassment by Inspector Halloran.

Carla Brusandi, cannabis patient, discussed concerns regarding medical marijuana and Inspector Halloran.

Allison, registered nurse, discussed concerns regarding feeling safe as a patient.

Sheila, cannabis patient, discussed concerns regarding actions by the police.

Jonathan Weaver, medical marijuana patient, discussed concerns regarding medical marijuana.

Russell Kyle discussed concerns regarding actions by Inspector Halloran.

Denise discussed how his cousin is saved by medical marijuana.

Carol, medical marijuana patient, discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION. (SAN FRANCISCO ADMINISTRATIVE CODE SECTIONS 67.10(b) and (d))

Motion by Commissioner Campos, second by Commissioner Marshall to hold closed session. Approve 6-0.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957(b) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision regarding return of officers to duty following officer-involved shooting (OIS Case No. 06-03).

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

Motion by Commissioner Campos, second by Commissioner Marshall for non disclosure. Approved 6-0.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong gave a brief update regarding the bilingual general order.

Commissioner Campos asked what is being done as far as the Department working with other agencies. Chief Fong stated that the Department works with a number of agencies and every morning there is a conference call that involves a number of city agencies and the goal is to review all the incidents that have occurred the prior evening. In addition, every other Tuesday, there is the Cease Fire meeting to look at what can be done to make sure that the violence in our community is reduced.

Commissioner Marshall asked about the summit on witness relocation. Chief Fong stated that she did receive a letter and will be working on what will be presented.

Commissioner Veronese asked about the legislation that Supervisor Mirkirimi presented and would like an opinion from the Chief.

Commissioner Sparks stated there is a National District Attorney's Meeting on July 19th to 21st and asked if the Chief has received an invitation to attend personally. Chief Fong stated no, she has not. Commissioner Sparks thanked the Chief for reissuing Department Bulletins regarding transgenders.

Commissioner Renne stated that the Commission would like to invite the District Attorney to appear and make a presentation just like Mr. Nance did.

Commissioner Campos would like a report in regards to medical marijuana.

PUBLIC COMMENT

Barbara Growth discussed concerns regarding blocking of Golden Gate Park on Saturdays.

Unidentified said there should be communication between different agencies.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

b. Presentation of OCC's Annual Audit under SFPD General Order 8.10

Director Allen informed the Commission that the OCC move to 25 Van Ness will not take place until late August.

Director Allen presented the OCC's Annual Audit under SFPD General Order 8.10.

Commissioner Campos asked about the OCC's efforts regarding language outreach. Director Allen stated that the OCC brochures are in different languages already. They are changing the phone messages to reflect the different languages.

Commissioner Veronese stated that from the audit that the process is working and asked if the OCC is happy with the cooperation. Director Allen stated that Lt. Mahoney has been very helpful.

PUBLIC COMMENT

None

ELECTION OF COMMISSION OFFICERS PER COMMISSION RULE 2.3, AS AMENDED 01/12/05

PUBLIC COMMENT

None

Motion by Commission Marshall, second by Commissioner Campos to elect Commissioner Renne as President.

Commissioner Sparks made the following statement:

"First, I have to say that I ultimate respect and admiration for President Renne. But, in my opinion, over the last two years, this Commission has failed the framers of Proposition H and the citizens of San Francisco. The promise of Prop H was that things would be different and not continue the way they had been for years.

The Board appointees were appointed to be reformers. As the only original Board appointee remaining, I can honestly say we've failed. For that I apologize.

There are some things we've accomplished, such as a couple of resolutions requiring the Department and the OCC to prepare periodic reports. We did approve a new policy, a DGO on Officer Involved Shootings, but only after it was watered down and changed by the Department and the POA.

But Prop H, the intent of Prop H, was about reform. It was about more effective oversight of two bureaucracies, the SFPD and the OCC. I'm not sure we can say that much has really changed with either.

This Commission should have started leading the way in police reform from the beginning, before the video scandal and the Mayors proclamation of the formation of a Blue Ribbon panel. This Commission should have been pro-active, not merely reactive. In our City Hall meetings, most of the dialogue has been one sided, reports by various Departments of the SFPD. The dialogue with the OCC has been nearly non-existent, perfunctory at best. We have sat and listened to public comment week after week and done nothing or very little. Monthly, we have had meetings in the community which have become beauty pageants presented by the District Captains. I can't think of any time there has been honest dialogue with the community in any of these public meetings.

All the while, homicides have reached new highs, staffing levels have plummeted, morale is approaching a new low and getting information from the Department depends entirely on asking exactly the right question. Also, communications among all of the entities which make up the criminal justice system in San Francisco continues to worsen. In addition, there is no shared vision among the Board, the Mayors office and this Commission of what constitutes a 21st century police department in San Francisco.
This Commission should have been reaching out to all of these entities and facilitating discussion.

We shouldn't be criticized for talking to members of the Board of Supervisors, rather, we should be criticized for not.

We shouldn't only talk to the Mayor's office through the Chief of Police; rather, we should be arranging set meetings every month.

We should do something to intervene in this ongoing dispute between the SFPD and the District Attorney.

Instead of waiting for ordinary citizens to come to City Hall for a three minute, unanswered, public comment, we should be holding regular Town Hall meetings, in conjunction with the Board and the Mayor, all over this city to talk

about our vision of the criminal justice system in San Francisco.

We should be holding the Department, the OCC and ourselves accountable.

We should be leading the discussion of what this Department needs to do to become a model of best practices now and in the future.

We should have more meetings with the public, not less.

We should actually prepare an Annual Report and Statement of Purpose for the Mayor and the Board of Supervisors as the Charter requires (Sections 4.103 and Section 1.56).

We should fight for funding, not only at the Board, but at the Mayor's budget office where the real policy decisions are made.

We should not just accept the Mayor's budget offices decision to not fund any Commission staff.

We should not just accept the Mayors decision to put off civilianization yet another year.

We should be pro-active.

We should be cheerleaders for the Department when appropriate, advocates when appropriate and relentless in our enforcement of accountability.

The leadership of this Commission isn't about personalities or friendships. The leadership of this Commission is about vision and I think it is way past time that we take a leadership role in presenting one.

This Commission needs to fulfill the promise of Prop H. It needs to provide access to the Department for the general public and, as importantly, it needs to support the courageous men and women of the SFPD on the streets every day risking their lives keeping us safe. Those basic values are not mutually exclusive."

Commissioner Renne stated that points raised by Commissioner Sparks are very significant points and hopes that the Commission can work in moving what needs to be improved and agrees that it cannot just be the Commission, it's got to be the Mayors, the Board of Supervisors, and it's got to be all elected officials having a dialogue and listening to one another.

Motion by Commissioner Marshall, second by Commissioner Campos to elect Commissioner Renne as President.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Veronese
NAYS: Commissioner Sparks

Motion by Commissioner Marshall, second by Commissioner Campos to elect Commissioner Sparks as Vice President.

Commissioner Sparks withdrew her name and recommended Commissioner Campos for Vice President.

Commissioner Campos thanked Commissioner Sparks for the nominated but asked that Commissioner Sparks reconsider. Commissioner Sparks asked that her name be withdrawn.

Motion by Commissioner Sparks, second by Commissioner DeJesus to elect Commissioner Campos as Vice President.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

RESOLUTION NO. 37-06

ELECTION OF PRESIDENT OF THE POLICE COMMISSION

RESOLVED, that Commissioner Louise Renne shall serve as President of the San Francisco Police Commission.

AYES: Commissioners Renne, Campos, DeJesus, Marshall, Veronese
NAYS: Commissioner Sparks

ELECTION OF VICE PRESIDENT OF THE POLICE COMMISSION

RESOLVED, that Commissioner David Campos shall serve as Vice President of the San Francisco Police Commission.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

COMMISSION ANNOUNCEMENTS

a. Assignment of disciplinary charges filed against Officer Glen J. Ghiselli (File No. C06-043 KMO) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

b. Assignment of disciplinary charges filed against Patrol Special Officer Lisa M. Wiley (File No. C06-041 KMO) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 38-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER GLEN J. GHISELLI (FILE NO. C06-043 KMO)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Glen J. Ghiselli, Star No. 2142, Planning Division, was called it having been set for this date; and

WHEREAS, Commissioner David Campos is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Glen J. Ghiselli; therefore be it

RESOLVED, that Commissioner David Campos is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Glen J. Ghiselli, and is to be set at a later date.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

RESOLUTION NO. 39-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED

AGAINST PATROL SPECIAL OFFICER LISA M. WILEY (FILE NO. C06-041 KMO)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Patrol Special Officer Lisa M. Wiley, Star No. 2662, Ingleside, was called it having been set for this date; and

WHEREAS, Commissioner Petra DeJesus is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Lisa M. Wiley; therefore be it

RESOLVED, that Commissioner Petra DeJesus is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Lisa M. Wiley, and is to be set at a later date.

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall, Veronese

Sergeant Reilly announced that the Commission will have a joint meeting on Wednesday, June 7, with the Board of Supervisors' Select Committee on Ending Gun and Gang Violence.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Campos would like the issue of Patrol Specials be placed on the agenda.

Commissioner DeJesus would like to discuss priority list with time tables.

Commissioner Veronese asked that the Commission adopt a resolution to award a citizen commendation to the gentleman who died trying to save the lives of two kids.

Motion by Commissioner Veronese to adjourn the meeting in honor of that gentleman and his wife. Second by Commissioner Campos. Approved 6-0.

Thereafter, the meeting was adjourned at 8:25 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 31, 2006
5:30 p.m.

CITY HALL, ROOM 263

#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION (5:30 p.m. in Room 263)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session to confer with legal counsel. (San Francisco Administrative Code Section 67.10(d)) (ACTION ITEM)

3. Closed Session (DISCUSSION ONLY)

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
   CONFERENCE WITH LEGAL COUNSEL
   Alfonso Helena, et al. v. CCSF, USDC No. C04-0260 CW

   b. Pursuant to Government Code 54956.9 (c) and S.F. Administrative Code section 67.10(d)(2):
   CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation (as plaintiff)

OPEN SESSION

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   Alfonso Helena, et al. v. CCSF, USDC No. C04-0260 CW

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REGULAR MEETING
WEDNESDAY, MAY 31, 2006
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6. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

7. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members
   b. Presentation the First Quarter 2006 Officer-Involved Discharges Report

8. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

9. Discussion and possible action to issue a Commission subpoena to Officer Andrew Cohen for specified information and materials, including but not limited to information and materials contained on the hard drive of Apple-IMAC computer (serial # QT226075INT), reasonably related to possible violations of Departmental General Orders (ACTION ITEM)

10. Discussion and possible action to finalize the Commission's Priority List (ACTION ITEM)

11. Discussion and possible action to award a Citizen's Commendation posthumously to Mr. Marlin Coats (ACTION ITEM)

12. Approval of the minutes for the meetings of May 10th and May 17, 2006 (ACTION ITEM)

13. Commission Announcements (DISCUSSION ONLY)

14. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

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MAY 31, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 263, City Hall, # 1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:42 p.m., in a Regular Meeting.

PRESENT: Commissioners Renne, Campos, De Jesus, Marshall, Sparks
ABSENT: Commissioner Veronese

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

b. Presentation of the First Quarter 2006 Officer-Involved Discharges Report

Taken out of order.

Chief Fong introduced Ms. Amber Morgan, 6th grader at A. P. Gianini School, grand prize winner of GREAT essay contest. GREAT stands for Gang Resistance Education and Training. Amber Morgan read her prize-winning essay to the Commission. Chief Fong presented Amber with a Certificate of Recognition from the Department.

PUBLIC COMMENT

Consaco, Mission District resident, discussed concerns regarding parking issue on Dolores Street.

Ace Washington discussed issue of press pass.

Richard Bartie discussed concerns regarding being assaulted by police.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(d))

Motion by Commissioner Marshall, second by Commissioner DeJesus to hold closed session. Approved 5-0.

CLOSED SESSION

a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): CONFERENCE WITH LEGAL COUNSEL
Alfonso Helena, et al. v. CCSF, USDC No. C04-0260 CW

b. Pursuant to Government Code Section 54956.9 (c) and S.F. Administrative Code Section 67.10(d)(2): CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation (as Plaintiff)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

Motion by Commissioner DeJesus, second by Commission Marshall for non disclosure of discussions held in Closed Session. Approved 5-0.

APPROVAL OF CONSENT CALENDAR

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City

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Attorney:
Alfonso Helena, et al. v. CCSF, USDC No. C04-0260 CW

RESOLUTION NO. 40-06

HELENA, et al. v. SALAZAR, et al.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Helena, et al. v. Salazar, et al.," in U.S. D.C. Case No. C04-0260 CW, be, and the same is hereby approved.

Date of Incident: March 8, 2003

AYES: Commissioners Renne, Sparks, Campos, DeJesus, Marshall
ABSENT: Commissioner Veronese

DISCUSSION AND POSSIBLE ACTION TO ISSUE A COMMISSION SUBPOENA TO OFFICER ANDREW COHEN FOR SPECIFIED INFORMATION AND MATERIALS, INCLUDING BUT NOT LIMITED TO INFORMATION AND MATERIALS CONTAINED ON THE HARD DRIVE OF APPLE-IMAC COMPUTER (SERIAL #QT226075INT), REASONABLY RELATED TO POSSIBLE VIOLATIONS OF DEPARTMENTAL GENERAL ORDERS

Motion by Commissioner Sparks, second by Commissioner Campos to recuse Commissioner DeJesus from this item. Approve 4-0.

Motion by Commissioner Campos, second by Commissioner Marshall to issue the subpoena. Approved 4-0.

RESOLUTION NO. 41-03

APPROVAL TO ISSUE A COMMISSION SUBPOENA TO OFFICER ANDREW COHEN FOR SPECIFIED INFORMATION AND MATERIALS, INCLUDING BUT NOT LIMITED TO INFORMATION AND MATERIALS CONTAINED ON THE HARD DRIVE OF APPLE-IMAC COMPUTER (SERIAL #QT226075INT), REASONABLY RELATED TO POSSIBLE VIOLATIONS OF DEPARTMENTAL GENERAL ORDERS

RESOLVED, that the Police Commission will issue a Commission subpoena to Officer Andrew Cohen for specified information and materials, including but not limited to information and materials contained on the hard drive of Apple-IMAC computer (Serial #QT226075INT), reasonably related to possible violations of Departmental General Orders.

AYES: Commissioners Renne, Campos, Marshall, Sparks
RECUSED: Commissioner DeJesus
ABSENT: Commissioner Veronese

CHIEF'S REPORT (conclusion)

a. Update on significant policing efforts by Department members
b. Presentation of the First Quarter 2006 Officer-Involved Discharges Report

Chief Fong introduced Deputy Chief Parra to present the First Quarter 2006 OID Report and Deputy Chief Pengel to present the City Controller's Report on Police Staffing Needs at San Francisco International Airport.

Deputy Chief Parra presented the First Quarter 2006 Officer-Involved Discharges Report.

Commissioner Sparks asked for a brief report on where the Department is at relative to officer-involved shooting investigations as compared to the schedule that Captain Keohane has given periodically. Captain Keohane stated that he has just presented the material to update the list to the commanding officer of MCD and the Commission will receive it shortly. Captain Keohane stated that in August of 2004, there were 26 cases where the Department was behind. Out of those 26, Captain Keohane believes that the Department have completely closed those books. The only OIS case that are open to date are those where the Department has not received the material from either the Coroner or the District Attorney in order to close the case. Captain Keohane stated there are three OIS where the commanding officer of the Homicide Detail has come and reported to the Commission that the cases are still open. The MCD investigators have completed those three investigations except for the materials needed from the Homicide Detail to close those cases. Captain Keohane stated those investigations will be closed within two weeks.

Deputy Chief Pengel presented Controller's Office Report on Police Staffing Needs at San Francisco International Airport. Chief Pengel stated that there are seven findings and 15 recommendations.

Commissioner Sparks asked how does SFPD determine the priorities of where officers are needed relative to being a world class airport as opposed to possibly putting more officers on homicide prevention and who makes those decisions and how are those decisions made. Chief Pengel stated that it is a matter of joint discussion and ultimately will be the decision of the Chief.

PUBLIC COMMENT
None

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

Director Allen updated the Commission on the OCC's meetings with the new recruits at the Academy. He stated that they recently met with the 210th Academy class and the 211th class. He stated that it was a productive meeting.

Director Allen passed out a copy of DGO 7.01 for the Commission's priority list.

Commissioner Campos asked if there should be more interaction between the OCC and the new recruits at the Academy. Director Allen stated before there was only one meeting with the recruits but it was increased to two.

Commissioner Marshall asked Director Allen about the OCC's Annual Report. Director Allen stated that one will be done by mid July.

Commissioner Sparks asked for what year. Director Allen stated the 2005 will be done by mid July and he can get the 2003/2004 out at the same time.

Commissioner DeJesus asked about the status of DGO 7.01. Director Allen stated that there's an agreement and it just needs to be presented to the Commission.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO FINALIZE THE COMMISSION'S PRIORITY LIST

June 7, 2006	- Joint Meeting w/ Board
June 14, 2006	- Budget Discussion *(Commissioners Renne & Sparks will be absent)*
June 21, 2006	Board of Supervisors Budget Meeting *(Commissioner Renne will be absent)* June 21st meeting may be moved to the 20th or earlier on the 21st. - Early Intervention Report (EIS)
June 28, 2006	No Commission Meeting Board of Supervisors Budget Meeting Law Enforcement Day at ballpark
July 5, 2006	- Update from DGO Subcommittee (Subcommittee: Sparks, Veronese, DeJesus) - Sparks Resolution Quarterly Report
July 12, 2006	- Nance proposals - Protocols between Chief/OCC - OCC Report re POA Notices
July 19, 2006	- Patrol Specials
July 26, 2006	- Recruitment/Retention/Staffing - DGO 7.01

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO AWARD A CITIZEN'S COMMENDATION POSTHUMOUSLY TO MR. MARLIN COATS

Motion by Commissioner Campos, second by Commissioner DeJesus to award a Citizen's Commendation. Approved 5-0.

RESOLUTION NO. 42-06

APPROVAL TO AWARD A CITIZEN'S COMMENDATION POSTHUMOUSLY TO MR. MARLIN COATS

RESOLVED, that the Police Commission hereby approves to award a Citizen's Commendation posthumously to Mr. Marlin Coats.

AYES: Commissioners.Renne, Campos, DeJesus, Sparks, Marshall
ABSENT: Commissioner Veronese

APPROVAL OF THE MINUTES FOR THE MEETINGS OF MAY 10TH AND MAY 17, 2006

Motion by Commissioner DeJesus, second by Commissioner Campos to approve the minutes. Approved 5-0.

COMMISSION ANNOUNCEMENTS

Commissioner Sparks announced that there is an Academy Graduation, Class 210th, on Friday, at 6 p.m., at Washington High School.

Commissioner Marshall stated that he met with District Attorney Harris to plan the summit for June 16th.

PUBLIC COMMENT
None

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

None

PUBLIC COMMENT
None

Motion by Commissioner Campos, second by Commissioner Marshall to adjourn the meeting. Approved 5-0.

Thereafter, the meeting was adjourned at 8:18 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 14, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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CLOSED SESSION (5:30 p.m. in Room 400)

Roll Call.

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Sections 67.10(b) and (d)) (ACTION ITEM)

3. Closed Session pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b):

   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and decision regarding return of officers to duty following officer-involved shooting, (OIS Case No. 06-04)

OPEN SESSION

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in Closed Session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

6. African American Community Police Relations Board Peace Plan (DISCUSSION ONLY)

7. Police Department's 2006-2007 Budget Review and Update; discussion and possible action to make recommendations to the Board of Supervisors (ACTION ITEM)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 14, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. Status of Memorandum of Understanding (MOU) Negotiations for Employee Bargaining Units that cover employees of the Office of Citizen's Complaints; discussion and possible action to make recommendations to the Board of Supervisors (ACTION ITEM)

9. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

10. OCC Director's Report (DISCUSSION ONLY)
    a. Review of Recent Activities

11. Approval of the minutes for the meetings of May 24th and 31, 2006 (ACTION ITEM)

12. Commission Announcements (DISCUSSION ONLY)
    a. Assignment of disciplinary charges filed against Officer Kirk R. Edison, Jr. (File No. C06-068 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (ACTION ITEM)

13. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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Meeting agendas and other print materials will be made available in alternate formats (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

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47 Van Ness, 5 Fulton, 31 Balboa
For information about MUNI service call 923 6142

The closest BART Station is: Civic Center

Accessible parking _____

For information about the meeting call 553-1667 (v) or 553-9194 (tty)

JUNE 14, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:37 p.m., in a Regular Meeting.

PRESENT: Commissioners Campos, DeJesus, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

PUBLIC COMMENT

Taken out of order.

Shannon Altamirano discussed concerns regarding Sheila Detoy
Misha Irizarry discussed concerns regarding officer-involved shootings.
Unidentified discussed concerns regarding police violence.
Cecilia Chung announced that the anniversary of riot at Jean Compton's cafeteria where Sgt. Elliott Blackstone will be honored for his work with the LGBT community will be on June 22nd.
Lorraine Altamirano, Shannon's mom, acknowledged her daughter for her courage in making the choice to take care of herself.
Ace Washington discussed concerns regarding officer-involved shooting.

AFRICAN AMERICAN COMMUNITY POLICE RELATIONS BOARD PEACE PLAN

Taken out of order.

Daniel Landry, Chairman of Western Addition Branch, discussed the Community Driven Peace Plan.

Jim McQueen discussed the Community Initiated Strategies for Violence Prevention. He discussed four bullet points: Community Policing, Immediate Violence Intervention Strategies, Develop Community Driven District Based Planning Process, and Develop a Community Peace Budget.

Kathy Perry discussed the roles of street workers and asked the Commission for the status of the MOU.

Commissioner Sparks asked if the plan stands as a policy document on its own without specific individuals being part of it. Mr. McQueen stated that that is correct and would have discussion with the Commission about that issue.

Commissioner Sparks asked if there has been any comparison of this plan to the plan that the Department has generated and is currently working under the liaison structure that the Chief has developed with the current SFPD organizational structure. Mr. McQueen stated that that's part of the plan and would have further discussion about the implementation of the plan. Ms. Perry stated that there is no detailed discussions on implementation of their recommendations. She asked the Commission for help to compel the Mayor's Criminal Justice Office to work with them on a regular basis.

Commissioner Campos stated that his concern is that the MOU was entered into a few years back with a different Mayor and a different Commission. He stated that his question is where does this MOU fit in in the larger goal that Prop H was getting to which is to have community policing throughout the City and County of San Francisco. He asked what is the status of this MOU relative to all the changes that have happened over the last few years and that that's a question that needs to be answered and that the

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Commission will work with the City Attorney's Office to try and figure that out.

Commissioner Marshall asked if this MOU is binding on this Commission and on the Mayor.

Commissioner Veronese stated that he was not around when this MOU was approved but the document was signed by the Mayor and stated that the African American Community needs some sort of response as to the status of the document.

Commissioner Sparks stated that parties involved should sit down and talk.

PUBLIC COMMENT:

Unidentified discussed concerns regarding officer-involved shooting.

Ace Washington stated there needs to be dialogue and asked the Chief to attend the meetings.

Meesha Irizarry asked the Commission to attend the Southeast Branch meeting.

John Jefferson gave an example on how the plan is working.

Mr. Harper, Western Addition Branch, stated that he is tired of the violence and stated that they are very serious is dealing with the violence.

Tina asked why the Chief took the plan and not include their community.

Marylon Boyd, Justice of Cammerin Boyd, stated that the Mayor has dropped the ball on the things that he said is going to do. She expressed concern that the Chief is not doing what needs to be done and asked the Commission to support the plan.

Carol Harvey, political writer, stated that she is shocked on what is happening in San Francisco.

Alberto Vargas, Latino Police Community Relations Board, asked the Commission to implement the plan.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION. (SAN FRANCISCO ADMINISTRATIVE CODE SECTIONS 67.10(b) AND (D)

Motion by Commissioner DeJesus, second by Commissioner Marshall to hold Closed Session. Approved 5-0.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957(b) AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision regarding return of officers to duty following officer-involved shooting (OIS Case No. 06-04).

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.12(a))

Motion by Commissioner Marshall, second by Commissioner DeJesus for non disclosure of discussion held in Closed Session. Approved 5-0.

POLICE DEPARTMENT'S 2006-2007 BUDGET REVIEW AND UPDATE; DISCUSSION AND POSSIBLE ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

Captain Lynch, Fiscal, presented the update on the current status of the SFPD budget for 2006/2007.

Commissioner Campos asked if there are key positions that the Department requested that were not included or provided in this budget. Captain Lynch stated that there were 60 positions that were included for this fiscal year and out of that 16 are being staffed.

PUBLIC COMMENT

Elizabeth, ACLU, discussed concerns regarding not staffing the Police Commission.

Commissioner DeJesus asked what is the status of the EIS and how much funding was provided for that. Captain Lynch stated that there is $500,000 budgeted for the hardware/software development and out of the 16 positions, there would be positions that would support the EIS. He stated that there is a total of 4 positions that would deal with analysis basically taking data and provided the support materials for the command staff and commissioned officers to make decisions. Captain Lynch stated that the amount of approximately $745,000 was asked for the EIS system.

Commissioner Sparks asked if the $200,000 in the supplemental for the analysis for the EIS was approved. Captain Lynch stated that the $200,000 was for the evaluation of the entire computer system for the Department and that was not approved. Captain Lynch stated that there is $500,000 earmarked for information technology evaluation. Commissioner Sparks asked if the money proposed for staffing and for overtime is sufficient for the Department to run for th entire year without going through a supplemental process six months from now. Captain Lynch stated that it is going to be tight. Based on staffing, the Department is still 200 below the 1971 number with the expectations that's required of the Department. The other concern is attrition. Captain Lynch stated that what the Department is faced with is a $4 million increase in where the base overtime is as compared to this year. The Department will be looking at that and put a plan in place to try to work within those numbers and to address the different needs of the Department. The wild card would be if there are spikes in violence that require specialized response, if there are certain needs of the Department that cannot be staffed with on duty personnel, then the Department would probably exceed its overtime budget.

Commissioner Campos asked Sergeant Reilly to let the Commission know as to the possible time that the Police Department budget might be called by the Budget Committee.

STATUS OF MEMORANDUM OF UNDERSTANDING (MOU) NEGOTIATIONS FOR EMPLOYEE BARGAINING UNITS THAT COVER EMPLOYEES OF THE OFFICE OF CITIZEN'S COMPLAINTS; DISCUSSION AND POSSIBLE ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

Matter continued to the next meeting.

Commissioner DeJesus would like to know what changes were made to the MOU. Director Allen stated the only question they have is in regards to compensatory time.

Commissioner Sparks asked if Director Allen has the option of negotiating flex hours for his staff so that outreach can be scheduled without overtime. Director Allen stated that his staff is actually using flex hours to do interviews. The contract does not give him the right to flex his staff out of their normal schedule. It does give him the right to ask people work beyond their normal work hours of 8 to 5 but if that happens, they have to be paid in compensatory time.

PUBLIC COMMENT

Mr. Steve Johnson, POA, asked if the OCC is in contract negotiations for hours, benefits or what. He discussed concerns regarding the OCC hours of 8 to 5 and that it just doesn't make sense because OCC investigators are needed when the officers are working.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Chief Fong had to leave to go to the Budget Hearing.

Commissioner Campos would like to know the Department's practices regarding media information as incidents take place and would like to have a discussion on this issue in the near future.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

None

APPROVAL OF THE MINUTES FOR THE MEETINGS OF MAY 24TH AND 31, 2006

Motion by Commissioner Marshall, second by Commissioner Veronese to approve the minutes. Approved 5-0.

COMMISSION ANNOUNCEMENTS

a. Assignment of disciplinary charges filed against Officer Kirk R. Edison, Jr. (File no. C06-068 JCT) to an individual Commission for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 43-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER KIRK R. EDISON, JR. (FILE NO. C06-068 JCT)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Officer Kirk R. Edison, Jr., Star No. 523, Northern, was called it having been set for this date; and

WHEREAS, Commissioner Louise Renne is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Kirk R. Edison, Jr.; therefore be it

RESOLVED, that Commissioner Louise Renne is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Kirk R. Edison, Jr., and is to be set at a later date.

AYES: Commissioners Campos, DeJesus, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Sparks would like a review of DGOs 3.16 and 8.09 which are the DGOs discussing release of police reports, release of information, and media relations as it relates to critical incidents and the release of officers' names after an officer-involved shooting.

Commissioner Sparks would also like the protocol discussed between public comment and the Commissioners.

Commissioner Sparks would also like to discuss 3.10 and 8.11, Officer-Involved Shooting and the Firearm Discharge Review Board, to add an appointed civilian review panel which meets in conjunction with the Department panel on advising the Chief on returning officers to duty.

Commissioner Veronese would like his proposed DGO regarding Commission Information Order be considered for adoption.

Motion by Commissioner DeJesus, second by Commissioner Marshall to adjourn the meeting. Approved 5-0.

Thereafter, the meeting was adjourned at 8:57 p.m.

Joseph C Reilly

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 21, 2006
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Pledge of Allegiance; Roll Call

1. Public Comment
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

2. Department progress report for the Early Intervention System (DISCUSSION ONLY)

3. Update on the Status of Memorandum of Understanding (MOU) Negotiations for Employee Bargaining Units that cover employees of the Office of Citizen's Complaints; discussion and possible action to make recommendations to the Board of Supervisors (ACTION ITEM)

4. Chief's Report (DISCUSSION ONLY)
   a. Update on significant policing efforts by Department members

5. OCC Director's Report (DISCUSSION ONLY)
   a. Review of Recent Activities

6. Approval of the Consent Calendar
   a. Authorization for a commendation to be issued to retired Officer Elliott Blackstone in recognition of his pioneering work in the area of police-community relations

7. Commission Announcements (DISCUSSION ONLY)
   a. Assignment of disciplinary charges filed against Sergeant Mark F. Obrochta (File No. C06-069 JCT) to an individual Commissioner for the taking of Evidence on a date to be determined by the Commissioner (ACTION ITEM)

8. Scheduling of items identified for consideration at future Commission meetings (DISCUSSION ONLY)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

GAYLE ORR-SMITH
Vice President

DOUGLAS CHAN
Commissioner

PETER KEANE
Commissioner

THERESA SPARKS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton Goodlett Place
San Francisco, California

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(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at: City Hall, Room 400, #1 Dr. Carlton B. Goodlett PLace

Accessible MUNI lines serving this location is: 49 Van Ness/Mission
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For information about the meeting call 553-1667 (v) or 553-9194 (tty)

JUNE 21, 2006 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Campos, DeJesus, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

PUBLIC COMMENT

Mr. Stipman discussed concerns regarding jaywalking tickets.

Mr. Sullivan, brother of Asa Sullivan, discussed concerns that no one from the Department has contacted the family and that they would like to know more about the investigation.

Ana Sullivan, cousin of Asa Sullivan, discussed concerns that are not being addressed.

Unidentified discussed concerns regarding shooting of Asa Sullivan.

Marietta Ramirez came to show support for the family of Asa Sullivan.

Meesha Irizarry discussed concerns regarding Asa Sullivan.

Unidentified discussed concerns regarding the shooting of Asa Sullivan.

Dawn Edwards, Bay Area Police Watch, discussed concerns regarding statements made in regards to the incident.

Mark Schlossberg, ACLU, discussed concerns regarding the Department's response and the OCC recommendations.

Elizabeth, ACLU, thanked the Commission for attending the budget meeting.

Tammy Bryant discussed concerns regarding the shooting of Asa Sullivan.

Barbara Growth discussed support for the police.

Greg Kamen discussed concerns regarding officer-involved shooting.

DEPARTMENT PROGRESS REPORT FOR THE EARLY INTERVENTION SYSTEM

Deputy Chief Parra, Administration, introduced Captain Keohane, Risk Management.

Captain Keohane presented the update for the Early Intervention System.

Commissioner Campos asked about associated factors (Criminal cases not filed or dismissed due to documented concerns with a member's conduct; charges of resisting or obstructing a police officer; and, charges of assault on a police officer) as opposed to indicators. Captain Keohane explained that with the other agencies there was a pattern of practice of misconduct and that SFPD do not have it. Commissioner Campos stated that this system should be in place to provide assistance/service to the officers and, if that is the case, the more indicators the better.

Commissioner DeJesus explained that the #12 associated factor (Criminal cases not filed or dismissed due to documented concerns with a member's conduct) is out of the Department's control and that it is a District Attorney's statistic. Commissioner DeJesus requested to set something up with the DA's office to see if data can be captured and after a year see whether or not it is going to be an effective way to incorporate and make an analysis of it. Commissioner DeJesus stated that the three indicators mentioned above are very important and that the Department is asking a year to establish a baseline but the Department has to come back in exactly a year because this is important.

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Commissioner Veronese asked what is the time table. Captain Keohane stated that Deputy Chief Parra will address that. Captain Keohane stated that he would like to continue meeting with the concerned parties and that he would like to have the policy segment finished during the month of July. Captain Keohane also explained that the software that he has looked at, besides just having a general category, there is a place where comments can be written so that it will be more descriptive of what the actual complaint actually was. Commissioner Veronese asked if that software will be able to track the specificity of that complaint. Captain Keohane stated no. Commissioner Veronese stated that the categories are so general that it makes it impossible to track, for example, use of force issues. Commissioner DeJesus stated that the software that is being put together is much more sophisticated than the written report. The software will have more information so that the Department can start making their record.

Commissioner Veronese asked about egregious complaints. Captain Keohane stated that it will necessitate a performance review on every situation and stated that every single complaint has to be looked at and judged upon its merits. Captain Keohane explained that what the Department is looking at patterns of behavior to see if the Department can take measures to improve performance before they become detrimental to the individual.

Commissioner Veronese asked about training for the supervisors to deal with the evaluations. Captain Keohane stated that the whole department will be trained.

Deputy Chief Parra stated that the RFP (Request for Proposal) process will be from mid June to August. The second step is the Elaboration process will be from August to September. This consists of meetings with parties involved; consultant is fully on board; vendor on board and looking at putting together a project plan. The next process is the Verification & Validation process. The construction phase will probably take from September 2006 to January of 2007. This is building data interface. Then the transition phase which is installation, acceptance testing, and once again, verification and validation. The final phase is the operations and maintenance. This is getting into the training phase, developing a training plan. Chief Parra stated that the Department is looking at December 2006 for completion.

Commissioner Veronese asked if the training will be budgeted. Chief Parra stated that the $575,000 is a lined item on the budget specifically for EIS with an additional $240,000 for 2007/2008.

Commissioner DeJesus asked about staffing. Deputy Chief Parra explained that there are two phases to that staffing. The EIS Unit should be staffed with a lieutenant, two sergeants, three analysts, and a secretary to begin with. The second phase is the need for systems administrators, I.T. staffing.

PUBLIC COMMENT

Meesha Irizarry discussed concerns regarding complaints against officers and officer-involved shootings.

Mark Schlossberg, ACLU, discussed concerns regarding the three factors and stated that they should be indicators.

Donna Edwards, Bay Area Police Watch, discussed concerns regarding funding for the training.

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Deputy Chief Parra, for Chief Fong who is at the Budget meetings.

Commissioner Sparks asked about the Sullivan case. Commissioner Sparks asked about a policy passed by the Commission in August of 2004 regarding release of information in the case. Commissioner Sparks asked Chief Parra as to when information can be release and would like the Chief to have a date certain as to when materials can be released. Chief Parra stated that the names of officers were released. He stated that the incident is under investigation and would like to defer to Captain Keohane as to an update.

Mr. Mark Schlossberg talked about recommendations of the OCC which was passed in August 2004. The first item was a liaison to the family and the second item dealt with press releases that appeared to predetermine the outcome of the investigation. Mr. Schlossberg stated that the Department agreed to these two items and were incorporated in the same motion.

Captain Keohane talked about the appointment of a liaison. He stated that at the time, in discussions with the investigation, it was felt that the Homicide inspector handling the case should be the liaison as they had the most knowledge. Captain Keohane stated that Investigations ran into some problems with having the inspector act as a liaison to the family when issues arose regarding complaints and attorneys became involved in civil suits regarding those issues. Captain Keohane stated that he is not sure as to who is the liaison, either the Homicide Inspector or the Homicide Lieutenant, but the Homicide Unit has developed a brochure that provides the information and contact information.

Captain Keohane stated that the Department did meet with the OCC a number of times to resolve issues in regards to DGO 3.16 and 8.19. The Department has drafted those orders and will be included in the Sparks Resolution for presentation to the Commission.

Commissioners Marshall and Veronese expressed concerns as to why procedures were not followed.

Deputy Chief Parra explained that the Inspector and the Lieutenant have been the liaison with the family. Chief Parra stated that the police report and other information to be released has already been reviewed by Legal and is going through the process. Chief Parra stated that he will report back to the Commission as far as time lines, schedules, and responsibilities as to the remainder of the process.

Commissioner Sparks asked the Commission Secretary to locate documents and forward information to the Chief and include the information in the Commissioners' packets.

Commissioner Campos stated that the presentation is a little confusing as to having a liaison to the family and stated that the Department, irrespective of what the investigation concludes, owes an apology to the family.

PUBLIC COMMENT

Meesha Irizarry stated an officer liaison does not work and that it should be a civilian that is a liaison to the family.

Mark Schlossberg, ACLU, discussed concerns regarding liaison procedures and training for the liaison.

APPROVAL OF THE CONSENT CALENDAR

a. Authorization for a commendation to be issued to retired Officer Elliott Blackstone in recognition of his pioneering work in the area of police community relations

Motion by Commissioner Veronese, second by Commissioner Marshall

to issue a Commission Commendation. Approved 5-0.

COMMISSION ANNOUNCEMENTS

a. Assignment of disciplinary charges filed against Sergeant Mark F. Obrochta (File No. C06-069 JCT) to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 44-06

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT MARK F. OBROCHTA (FILE NO. C06-069 JCT)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Sergeant Mark F. Obrochta, Star No. 1200, Mission, was called it having been set for this date; and

WHEREAS, Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Mark F. Obrochta; therefore be it

RESOLVED, that Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Mark F. Obrochta, and is to be set at a later date.

AYES: Commissioners Campos, DeJesus, Marshall, Sparks, Veronese
ABSENT: Commissioner Renne

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

None

The Commission will not meet on Wednesday, June 28th. The next meeting will be on July 5th at City Hall.

UPDATE ON THE STATUS OF MEMORANDUM OF UNDERSTANDING (MOU) NEGOTIATIONS FOR EMPLOYEE BARGAINING UNITS THAT COVER EMPLOYEES OF THE OFFICE OF CITIZEN'S COMPLAINTS; DISCUSSION AND POSSIBLE ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

Continued to July 5th meeting.

OCC DIRECTOR'S REPORT

a. Review of Recent Activities

None

Motion by Commissioner Veronese to adjourn the meeting, second by Commissioner Marshall. Approved 5-0.

Thereafter, the meeting was adjourned at 7:45 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

LOUISE RENNE
President

THERESA SPARKS
Vice President

DAVID CAMPOS
Commissioner

DOUGLAS CHAN
Commissioner

PETRA DeJESUS
Commissioner

DR. JOE MARSHALL
Commissioner

JOE ALIOTO VERONESE
Commissioner

SERGEANT JOE REILLY
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

The Commission will not meet on Wednesday, June 28, 2006, in order to allow attendance at Law Enforcement Day Ceremonies and Law Enforcement Torch Run Events benefitting the Northern California Special Olympics.

Please join the Commission at its next meeting on Wednesday, July 5, 2006, at 5:30 p.m., in Room 400, at City Hall.

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